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**Legislative Assembly
of Ontario**

Second Session, 36th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 36^e législature

**Official Report
of Debates
(Hansard)**

Monday 11 May 1998

**Journal
des débats
(Hansard)**

Lundi 11 mai 1998

**Standing committee on
social development**

Organization

**Comité permanent des
affaires sociales**

Organisation



Chair: Annamarie Castrilli
Clerk: Tonia Grannum

Présidente : Annamarie Castrilli
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Monday 11 May 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES SOCIALES

Lundi 11 mai 1998

The committee met at 1536 in committee room 2.

ELECTION OF CHAIR

Clerk of the Committee (Ms Tonia Grannum): Honourable members, it's my duty to call upon you to elect a Chair. Can I receive nominations, please?

Mrs Helen Johns (Huron): I nominate Lillian Ross.

Mrs Lillian Ross (Hamilton West): I decline.

Clerk of the Committee: Okay. Any further nominations?

Mr Frank Klees (York-Mackenzie): I wonder if Ms Castrilli would like to be Chair. Is that an appropriate nomination?

Clerk of the Committee: Any further nominations? Seeing no further nominations, I declare Annamarie duly elected as Chair.

The Chair (Ms Annamarie Castrilli): Thank you very much. I want to thank Mr Klees for his nomination and all of you for your confidence. We have another exciting session, I suspect, with social development.

ELECTION OF VICE-CHAIR

The Chair: The next item of business is the election of the Vice-Chair. May I have nominations?

Mrs Marion Boyd (London Centre): I nominate Dwight Duncan.

The Chair: Are there any further nominations? Seeing none, I declare Mr Duncan duly nominated and elected.

Mr Klees: Congratulations.

APPOINTMENT OF SUBCOMMITTEE

The Chair: Our next item is the appointment of the subcommittee on committee business.

Mr Klees: I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee; that the presence of all members of the subcommittee is necessary to constitute a meeting; and that the subcommittee be composed of the following members: Ms Castrilli as Chair, Mr Carroll, who will represent the Ministry of Community and Social Services, Mrs McLeod and Mrs Boyd; and that any member may designate a substitute member on the subcommittee who is of the same recognized party.

The Chair: Any discussion on the motion? All in favour? Opposed, if any? The motion is carried.

Mr Klees, you're two for two. This is really good.

Moving right along, any further business?

Mrs Boyd: I have a question of the clerk, whether there's anything on the order paper at present.

Clerk of the Committee: Not at present.

The Chair: Any other business?

Mr Klees: I move adjournment.

The Chair: Adjournment has been moved. We are adjourned.

The committee adjourned at 1540.

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STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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Vice-Chair / Vice-Président

Mr Dwight Duncan (Windsor-Walkerville L)

Mrs Marion Boyd (London Centre / -Centre ND)

Mr Jack Carroll (Chatham-Kent PC)

Ms Annamarie Castrilli (Downsview L)

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Mr Joseph Spina (Brampton North / -Nord PC)

Clerk / Greffière

Ms Tonia Grannum

Staff / Personnel

Ms Elaine Campbell, research officer, Legislative Research Service



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**Official Report
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Monday 22 June 1998

**Journal
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Lundi 22 juin 1998

**Standing committee on
social development**

Committee business

**Comité permanent des
affaires sociales**

Travaux du comité



Chair: Annamarie Castrilli
Clerk: Tonia Grannum

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Monday 22 June 1998

COMITÉ PERMANENT DES
AFFAIRES SOCIALES

Lundi 22 juin 1998

The committee met at 1530 in room 151.

COMMITTEE BUSINESS

The Chair (Ms Annamarie Castrilli): Good afternoon. Thank you very much for being here at our first meeting of the social development committee. The purpose of the meeting is to organize the work of the committee. As you know, we've had two pieces of legislation sent to us, Bill 18, An Act to protect Children involved in Prostitution, and Bill 20, An Act to amend the Highway Traffic Act. It was not possible to have meetings of the subcommittee, which is why we've convened a meeting of the full committee to discuss these two pieces of legislation and how we would organize our time with respect to that.

Mr Peter Kormos (Welland-Thorold): If I may, Madam Chair, I know that the New Democratic Party member of this subcommittee, utilizing her right under the standing orders, specifically standing order 124, requested that, pursuant to standing order 124, the Chair convene a meeting of the subcommittee to set a time for a consideration of the matter leading up to the shooting down and killing of Dudley George in Ipperwash park back in September 1997. I should tell the Chair that that request is somewhat dated now, and I'm surprised that the committee is moving on to consider, with no disrespect to the sponsors of Bill 18 and Bill 20 — I'm advised by the clerk that the Chair, you, pursuant to that letter and as is your responsibility, requested that the subcommittee meet to consider the standing order 124.

The Chair: Let me speak to that, Mr Kormos. I think we can deal with that matter. It's not before us at this time because, as you well know, 124s have to be dealt with by subcommittee first; they can't come automatically to committee. But, in addition, there was a problem with respect to the substance of the 124 that was requested by Ms Boyd, and I made her aware of the difficulties with that. The matter is not before us, but it is true that we tried to convene a meeting of the subcommittee on two occasions and it was not possible to have the members present at those times.

Mr Kormos: Madam Chair, I'm confident from the information I received from the clerk that the Chair fulfilled all her responsibilities. May I please, because this is Ms Boyd's committee — I understand Ms Boyd was present at a subcommittee that was convened for that purpose, or was prepared to be present. I understand that

the representative from the Liberal caucus who is the subcommittee member was prepared to be present. This is an incredibly important matter, and I am very concerned that somehow the subcommittee didn't meet and respond to the Chair's direction.

I understand some of the technicalities and legalistic arguments that might well be raised, for instance, about the timing of the SO 124 request. I understand that. It's no secret that Ms Boyd did this at my behest, because the government circumvented her standing order 124 right in justice committee, because justice committee is hearing Bill 22, among others, which should be in front of this committee but is in front of the justice committee. I am confident that the Chair called a subcommittee meeting. Please, Madam Chair, with no disrespect, how is it that a subcommittee meeting couldn't be held?

The Chair: As I said, the matter is not before this committee and I really don't want to belabour the point. I will simply say this to you: Two meetings were convened. There is no power in the Chair to compel anyone to attend meetings of the subcommittee. We could not get a full complement of the subcommittee. We are required to have one person from each party, we could not get one person from each party and, therefore, we were not able to convene a subcommittee meeting, which is why we've called a full meeting of the committee. But the full meeting of the committee cannot deal with the very issue that you've raised because that must be dealt with in subcommittee. There is no power in the Chair to do otherwise.

Mr Kormos: Yes, ma'am, and I'm not going to belabour the point but I feel compelled to draw the irresistible conclusion, as has been said so many times, that since the Liberal member was prepared to be at that subcommittee meeting and since Ms Boyd was prepared, Mr Carroll, the government member, declined to be present at that subcommittee or declined to appoint an alternate. This is so bloody typical of this government avoiding the issues on Dudley George.

The Chair: Mr Kormos, that is not the issue before us. If you don't mind, we'll go ahead.

Mr Kormos: Point of order, Madam Chair.

The Chair: I'll hear your point of order.

Mr Kormos: It requires some preamble to become clear.

The Chair: It had better be a short preamble because we have other business.

Mr Kormos: I understand that, ma'am. I look at the agenda and the committee is entitled to sit until 6 o'clock and it's got two small matters on the agenda. I'm confident I will not be intruding into the time of either of the sponsors of Bills 18 and 20, Mr Bartolucci and Mr Colle.

The Chair: My experience with this committee is that there's no such thing as a small matter, Mr Kormos. Don't underestimate these items.

Mr Kormos: I think it's obvious, once again, that Mr Carroll, as a dupe of the government, avoided those subcommittee meetings so that it wouldn't have to consider the request for a standing order. That is not only irresponsible, it's reprehensible —

The Chair: Mr Kormos, may I ask you to withdraw the remark.

Mr Wayne Wettklaufer (Kitchener): On a point of order, Madam Chair.

The Chair: I've already asked Mr Kormos to withdraw the word "dupe." We can use better language than that, Mr Kormos.

Mr Kormos: Okay: As a mere flak for this government he, obviously following marching orders —

Mr Wettklaufer: On a point of order, Madam Chair: Mr Kormos is intelligent enough that he knows how to use proper parliamentary language and "flak" is not one of them.

The Chair: I'm not sure whether that's the case, but I would ask you, Mr Kormos, in the interest of brevity and getting through the day, to use language that we won't object to.

Mr Kormos: Thank you, ma'am. I find it of serious concern that a member who is a member of this committee and a subcommittee member, as Mr Carroll is, would not abide by or fulfil his responsibilities as a member of the Legislature and a member of this committee, clearly with the intent of subverting the request for standing order 124. I submit to you, Madam Chair, on this point of order that this Chair should report, through its clerk, to the Speaker to advise that the Chair sought subcommittee meetings, that the member Jack Carroll refused to attend and/or refused to appoint an alternate.

If that's the way it's going to work, then any single member can subvert the process at will and at whim, and that's not what's intended. Then the rights under standing order 124 become meaningless rights. If a member wants to bring a 124 issue, all that a New Democrat or a Liberal or, in this case, a Conservative has to do is say, "I'm not going to attend a subcommittee," and those rights under standing order 124 become literally unenforceable. I find that repugnant. I find Mr Carroll's behaviour repugnant. It's part of the whole coverup of the Premier and his office's involvement in the murder and killing of Dudley George.

The Chair: Mr Kormos, we're going far afield now. This item is not before us. It's not part of the agenda. It's not a matter that can be raised with the Speaker. I assure you that's one of the things that I did ask the Clerk's office to advise us about. It's a matter properly for the committee to discuss. I think if you'd like it on the agenda

for the next committee meeting, it is certainly something we will entertain. It is not a matter before us today, and I'd like to move on.

Mr Kormos: The record then should simply indicate my appreciation for your consideration of this and my observation that Mr Carroll's conduct is slimy and reprehensible.

The Chair: Can we move on to our first item of business, Bill 18, An Act to protect Children involved in Prostitution. This matter was referred to us two weeks ago.

Mr Rick Bartolucci (Sudbury): It's a pleasure to be here. I guess what I'm going to ask of the committee is that we not play politics with this private member's bill. Before the private member's bill was debated at second reading and subsequent to its passage in the House and referral to the social development committee, my office, and I personally, have received an absolutely enormous response and communications from all segments of society within Ontario, and in fact across the country, but primarily in Ontario.

Ladies and gentlemen, this is a very serious problem. It's a bigger problem than even I thought it was when I first researched this and introduced this bill. I believe, as I said in the House during debate on Thursday, that this isn't the perfect bill, but at least it's an opportunity to begin dialogue and finalize some dialogue. As I said in the House and I said to the media, and I'll say to you, I don't care what the end result of this bill will be and I don't care who wants to take credit for it at the end of the day. That doesn't concern me, as I'm sure it doesn't concern any member around this table. What I am concerned about is that we have kids who are being sexually exploited and sexually abused through prostitution.

1540

I don't know how you try to convince a group of individuals when this process that we have within government is an adversarial one. But when I ask that, all I want is for committee hearings, all I want is for the opportunity for whoever will be sitting on this committee to hear from not only the kids — and there will be kids who will be testifying before us, I can guarantee you that — but I want you to hear from the parents and from the social service agencies, I want you to hear from the police and I want you to hear maybe from your own constituents as to just how severe a problem this is and just how much we have to do in this area to protect children who are being sexually abused and sexually exploited.

I could go on and on and make the pitch and ask that it not be a political decision that's made as to whether or not we're going to hear it at committee this summer. All I'm asking is that you do what you know is right within your own heart and within your own mind. If you believe that going to committee is right, if you believe that doing something very proactive that doesn't have to be adversarial is what's in order, then I'm going to ask you to refer this to your committee for some public hearings. I believe that the kids will be the winners in the long run and that those kids who are being sexually exploited or abused, because of our actions maybe, will have an opportunity to

live the lives that you would want for your children. That's all I'm going to say.

The Chair: I hope the committee realizes that we don't have the power to actually call meetings. We need permission for that. But thank you for your comments.

Mr Bruce Smith (Middlesex): I'll be brief as well. I can assure my friend and colleague that it's not the government's intention to play politics, as he suggested in his opening comments. Certainly, I, as well as my colleagues on this side, am fully appreciative of the considerable dialogue, debate and feedback you've had on this bill in a positive context. I appreciate your comments as well with respect to the need to fine-tune the bill as it's currently presented. But, very clearly, it would be my position that we have this committee reconvene after the summer recess. Dealing with this matter would certainly be a priority item for that particular meeting.

I think the Chair herself has clearly indicated that a motion would be required from the House in terms of this committee meeting during the summer period. Having said that, I think I can give you some assurance that not only is the government certainly concerned with child prostitution, I think there are many things in your bill that warrant serious consideration. But that consideration would be more appropriately dealt with when this committee could reconvene after the summer recess.

Mr Kormos: Those words ring very hollow, Mr Smith. The fact is, and you know or you ought to know, that the minute there's government business referred to this committee, private member's bills are displaced. I trust I'm correct, and the Chair will be quick to correct me if I'm wrong in that regard, but that's my understanding.

You know full well the games that the government has been playing with displacing opposition members' business, be it standing order 124 and a request into the slaughter of Dudley George at the direction of the Premier's office or the Premier himself. Similarly, I can anticipate the social development committee becoming all of a sudden encumbered with government business when this House resumes, be it in September or thereafter.

You can't suck and blow at the same time. Oh, I hear your words. You're all so concerned about child prostitution, baby hookers. I find it incredible that in this weekend's Toronto Star there was a page-and-a-half feature on the child sex trade in Central America, in this instance, the new Thailand. Yet here's an opportunity raised by Mr Bartolucci and, look, you might recall what I said and what Ms Boyd said about the bill, and Mr Bartolucci has been very candid about the fact that the bill may have some defects, particularly legalistic ones and whether it's federal law or provincial law and the impact of the charter and so on.

This committee doesn't have anything to do this summer. It doesn't have anything to do. It has permanent members who are assigned to this committee. The minimum wage by elected members in this room is \$78,000, and for a number of the Tory members it's far in excess of \$78,000, significantly more, probably far closer to starting

around \$86,000, up into \$90,000-plus for those who are parliamentary assistants. That's a whole lot of money.

One of the inferences that can be drawn is that you simply want the summer off because there's clearly no other business before the committee —

Interjection.

Mr Kormos: Well, there isn't any other business before the committee. It seems to be an ideal time for this committee to consider Mr Bartolucci's bill and, quite frankly, Mr Colle's. That's number one. You want the summer off — cause you folks keep picking up your paycheques, including the parliamentary assistant paycheques, that extra 8 G's, 9 G's, 10 G's. I've got folks down where I come from who live on that in a whole year. Okay? Do you understand that, Mr Smith? Who live on that for a whole year. That's your little perk; that's your little extra. You want to collect that paycheque and not have to work this summer.

I quite frankly find myself as the substitute for Ms Boyd here today supporting Mr Bartolucci enthusiastically. You've got two full months. It seems to me that this committee should have something to do. You know full well that you're free and available. You're certainly not free — the taxpayer is paying big bucks for all of us: minimum wage, 78 grand; for those of you who are parliamentary assistants or in other positions, well in excess of \$78,000; for more than a few of you who are still operating businesses and collecting incomes from the other work that you continue to do, far in excess of the \$78,000 a year. There's a whole lot of people in the Tory caucus who are still operating their law firms and their businesses and splitting their time between their constituents and their private sector incomes.

I find it pretty repugnant that you would want to pay lip-service to, "Oh, yes, of course, Mr Bartolucci, we want to consider this, but let's wait until September." Horsefeathers. You're talking out of both sides of your mouth, Mr Smith, and all the nice little spin that you want to put on it simply won't work. Mr Bartolucci knows better. His constituent who motivated his bill knows better. I have every confidence Mr Bartolucci's going to let him know what position you — and I hope you're not speaking for all of your colleagues, but somehow I get the strange impression that you are. Somehow I get the distinct impression that you're the spokesperson, you're the mouthpiece, you're the consigliere for the gang over there and that the marching orders are, "Don't consider Mr Bartolucci's bill."

I put to you, why not? It's either because you're lazy or because you want to rip off the taxpayers by spending the summer without working and doing your committee work, or because somehow, somewhere, you really want to avoid this issue because you know that come September, come hell or high water, there's going to be a government bill before this committee which is going to displace Mr Bartolucci's bill and/or Mr Colle's.

You've got two private members' bills. Both of them were passed by the House and both of them were referred to this committee. The government, with its numbers,

could have defeated either the bills, had it chosen to, or the referral to this committee, had it chosen to. The government was either inadequate in its numbers because people were asleep at the switch or, quite frankly, in general terms in support of the bill, the general proposition, and of the referral to the committee.

Although this ain't question period, how is it that the government could have permitted — because that's what it came to at the end of the day. Private members' bills can't pass unless the government agrees. I'm talking about government backbenchers. The numbers can crush any private member's bill any time, any bill any time. Far be it for us to ever see you do it when it requires some courage, when it's something like Bill 160 or Bill 26 or the upcoming Bill 31 or any number of time allocation motions that have been goose-stepped on to the legislative floor.

1550

But I find something very sinister in your comments. If that's imputing motive, so be it. Let somebody stand up on a point of order and I'll respond to that point of order and I'll explain once again why I find it sinister. The committee has the time. It has no other business before it. It runs a serious risk of having this matter deferred, should it wait until September. It also runs the risk of the House not returning in September. You know full well that's a possibility, because nobody's come clean on whether the government is abiding by the House schedule, which requires a return date some time after September 28, the end of September.

Boy, it would be a unique and fascinating opportunity to see some Tories with some guts support Mr Bartolucci on this matter.

The Chair: Thank you, Mr Kormos. I would remind members that there's a 20-minute limit for your interventions.

Mr Dwight Duncan (Windsor-Walkerville): I will not take my full 20 minutes. Suffice it to say that the government has paid a lot of lip-service to this bill and I'm quite frankly surprised you wouldn't want to have hearings this summer. There's nothing before us, no government bills. The government has made much out of its own efforts in the area of crime and we believe this bill ought to be given a high priority, not simply sloughed off because you don't want to work this summer.

I applaud Mr Bartolucci's efforts. My colleagues and I are prepared to travel the province, to have hearings, to discuss the bill, to take amendments to the bill, to do whatever it takes to get this bill passed. Mr Colle's legislation as well is extremely important. Again, we could deal with both these pieces of legislation, legislation which has been adopted by the Legislature. We can deal with it this summer.

We are open to public hearings, to debate, to amendments and I'm deeply surprised that the government members of this committee would not want to go and have public hearings on this. Heck, we had a whole bunch of your colleagues through our city on crime. They didn't get

many people out. We had your colleagues through on homelessness. I don't think you had anybody out.

I would welcome the opportunity to have hearings in my community on this bill over the summer, and I'd welcome the opportunity to have government members there in the hope that possibly we could amend this bill, deal with some of the concerns that were well placed, well put in the Legislature, and bring forward a bill that could actually be passed by the Legislature. I would hope, given that there is no pressing government legislation before this committee, that all of us as private members would want to have the opportunity to discuss this bill — not next fall. That's garbage. That's just BS. It's stalling, it's playing politics. It's doing exactly what Mr Bartolucci asked not be done.

We're of the view that both of these bills are worthy of public hearings, not at some unspecified date in the future but this summer. We on this side of the committee, this side of the House, the official opposition, are prepared to travel, have public hearings, entertain amendments to the bill and bring the bill back for the Legislature's consideration early in the fall session.

It's unfortunate, if Mr Smith in fact represents his colleagues' views on this, that you would attempt to stifle these kinds of hearings at a time when this committee has absolutely nothing else to do. I regret that. It's too bad and it really betrays that your so-called interest in crime and criminal matters is nothing more than political posturing. It's very unfortunate.

Mr Wetlaufer: I was extremely surprised at Mr Kormos's remarks when he indicated that if the members of this committee aren't sitting in the Legislature or in the committee that they don't do anything. That would indicate to me that he in his riding does absolutely nothing when he's not sitting. I was even more surprised to hear Dwight Duncan say the same thing, say that the members of this committee have absolutely nothing to do when this committee isn't sitting this summer. It's very, very surprising —

Mr Kormos: What are your travel plans?

Mr Wetlaufer: — because I think everyone realizes —

Mr Duncan: Yes, what are your travel plans?

Mr Wetlaufer: I think everyone realizes that this government has sat more than previous governments. This government has passed more legislation than previous governments. I know from my own experience in my own riding that my constituents were extremely happy when I was able to spend some time with them this winter and look after their problems. I believe, Mr Kormos and Mr Duncan, that is a very important role that members of the Legislature must perform.

Mr Kormos: On a point of order, Madam Chair: That's the biggest crock of shit I've ever heard. He's full of lies.

The Chair: Mr Kormos, that's not a point of order. Please, let's watch our language, shall we.

Mr Kormos: I'm not going to listen to that sort of crap. It's stupid and it's lies and it's a crock.

The Chair: Mr Kormos, that's not a point of order. You may not agree with it, but it's not a point of order. Mr Wettklaufer, you have the floor.

Mr Wettklaufer: Thank you, Madam Chair. You will note that he accused me of lying and I would ask you to ask him to withdraw.

Mr Kormos: No, thank you.

The Chair: Well, if he refuses to withdraw, he's expelling himself.

Mr Kormos: No, I'm not. The heck I'm not. On a point of order: Mr Wettklaufer is lying. He's lying through his teeth. He's trying to paint a picture that —

The Chair: Mr Kormos, that is quite enough.

Mr Kormos: I must go.

The Chair: Thank you, Mr Kormos. Mr Wettklaufer.

Mr Wettklaufer: Thank you, Madam Chair.

As I was saying before I was so rudely interrupted, the members of my constituency greatly appreciated it when I spent some time helping them with their problems this winter, and I know from comments I have received that many are looking forward to the time I'm going to spend with them this summer. I know that other members of this Legislature share similar views. I'm not alone; I'm not any hero. I know other members have the same problems. I think it would be unseemly to expect the members to be in here, in the Legislature or on committee, sacrificing the problems that constituents have.

I do want to add that I'm no different from other members in our government. We consider this bill very important. It's a matter of very serious concern. Mr Bartolucci, I honestly hope that you will find a great deal of support.

Mr Bartolucci: I'm going to be honest with you. I really don't think we can wait till the fall. This is a problem that the Premier will be lobbied on today by the Ontario Association of Chiefs of Police. Julian Fantino says it can't wait. I talked about this with him last week and I said, "I have a sneaking suspicion it's not going to get to committee this summer." At that time, it was because I guessed we couldn't get a subcommittee.

Your House leader was very open to me in response to the letter I sent him when he said, blah, blah, blah:

"You should be commended for bringing increased attention to this matter and for seeking meaningful solutions. It is not the role of the government House leader to bring private members' business before the committees. These decisions are to be made by the Chair and the subcommittee of the designated committee. I encourage you to contact the Chair of the social development committee to request this matter be brought forward for consideration."

That's the government House leader telling me, "This is what you should be doing in order to get there," understanding that maybe it wasn't going to get through the Chair and the subcommittee members.

I'm telling you, and I think you all know, there are kids right now, as we speak — and this not an emotional plea, this is the truth — some child, whether it be a male or a female, is being sexually exploited and sexually abused as we speak. We all have hard work to do in our own constituencies, there is no doubt about that. Nobody denies

that. But I honestly believe it's a problem that is in everybody's constituency. Some of us may not have identified it yet, but it's there and so it is a part of our constituency work.

How big of an inconvenience is it for us to spend some time bettering the lives of those children who are not as fortunate as most kids, who end up, because of pimps or johns, being sexually abused or exploited? I honestly believe that hearings are not an inconvenience in this issue. I honestly believe we shouldn't be waiting for October, whenever we come back, because our plate is going to be filled; we all know that.

1600

I honestly believe as well, as I said earlier, that if at the end of the day the government takes credit for it through amendments to whatever, I don't care. I really don't care. What I care about truly, deeply and sincerely is that we discuss it this summer, that we discuss it at committee, that we hear, so that at the end of the day, whoever's signature is on the final piece of legislation, we'll know we listened to the people of Ontario and we drafted some type of legislation that is going to protect kids from being sexually abused or exploited. That's all anybody here is asking. That's all I'm asking. But I honestly don't think, in all sincerity, that it can wait for the possibility of hearings in the fall.

Mr Smith: I think I've certainly made my point with respect to the merit and the intent of the bill, and again I would not question the member's direction with this. I think I made that apparent at the outset.

I would be prepared to move a motion, if I may, Madam Chair, if you're prepared to accept such, that would read as follows:

That the standing committee on social development reconvene after the summer recess and commence business with Mr Bartolucci's private member's bill, Bill 18.

The Chair: The motion is on the floor. Debate? No? Do you want to speak to it?

Mr Smith: I don't think any further discussion is necessary, certainly from my perspective, unless my colleagues wish to add anything to it. Very clearly, as I indicated at the outset, the government shares the member's concerns regarding child prostitution. With this motion, we're making an effort to clearly indicate to the committee members on both sides our intent to deal with this matter this fall, and I think that's reflected in the motion that has been placed before the committee.

Mr Duncan: Could you just read the motion back to me, please?

Clerk of the Committee (Ms Tonia Grannum): "That the standing committee on social development reconvene after the summer recess to deal with Mr Bartolucci's bill, Bill 18."

Mr Smith: "Mr Bartolucci's private member's bill, Bill 18."

Mr Duncan: Could I propose an amendment to that?

The Chair: You can certainly propose an amendment.

Mr Duncan: "And that we would convene on the first day that the House resumes for consideration of this matter."

Mr Smith: I would suggest that certainly if Mr Duncan is prepared, the subcommittee convene on the first day that the House returns.

Mr Duncan: No. The amendment would be that the committee convene the first day that the House returns. You said you wanted to do it in the fall. Let's do it. We weren't able to convene the subcommittee.

Mr Smith: I think in fairness, Mr Duncan, we would require a motion and some decisions from the House leaders' offices in that regard if we were prepared to sit and consider the matter. From that perspective I certainly would be prepared to commit that the subcommittee convene at its earliest convenience on the first day to deal with the matter.

Mr Duncan: Madam Chair, may I, on the amendment —

The Chair: Hold on. I take it this is not a friendly amendment, so we will deal with the amendment to the amendment.

Mr Duncan: The government has indicated a willingness to debate this in the fall. The government members know full well that if a government bill is introduced the first day of the sitting and gets referred to this committee, it will bounce this private member's bill or any other private member's bill out of order.

We're saying that we are prepared to compromise. You don't want to do it this summer. Okay, then let's agree to sit the very first day the House resumes. You said you wanted to do it in the fall. I take you at your word, and if you are of your word — we're meeting here today for the purpose of organization. If you look at the agenda, we are organizing the committee's time. It does not require the subcommittee; it does not require anything else. All it requires is that we meet the first day the Legislature resumes. You said you wanted to do it in the fall; you should have no problem with this. Otherwise, you're simply playing games.

The Chair: Very well. Any further debate on the amendment? No further debate? All right. I'll put the question. All in favour of the amendment to the amendment?

Interjection: To the motion.

The Chair: That's right: the amendment to the motion, which is an amendment.

Opposed? The amendment is defeated.

Back to the debate on the main motion. Any further debate?

Mr Duncan: We'll vote for it and we'll see if you keep your word. You won't, but we'll vote for it because the next thing you'll do is twist it around and say we didn't vote for it. We'll see if you're a man of integrity, if you're a group of people with integrity or if you're just playing games. You'd better hope a child prostitute doesn't die this summer in a street in Toronto, because we'll hang it on you, believe me. We'll hang it on you every day this gets delayed. You know how the standing orders work.

You may be content to sit there and play games with the lives of innocent children when you can deal with this meaningfully. If you refuse an opportunity to deal with it the first day the Legislature resumes in the fall, we'll see what your integrity is all about. We'll see. You said here to us today that this bill will be heard in the fall. That's what you said. Now we'll see. We'll vote for it.

The Chair: Any further debate? All in favour of Mr Smith's motion? Opposed, if any? The motion is carried.

We then move to Bill 20, An Act to amend the Highway Traffic Act to improve Safety at Highway Intersections by providing for the installation and use of Red Light Cameras.

Mr Mike Colle (Oakwood): For the purpose of dealing with Bill 20, I'm just going to move that the standing committee on social development authorizes the Chair to send a letter to the government House leader requesting extra sitting time during the summer recess to consider private members' bills and any other matters referred to the committee.

I know some of you voted in favour of Bill 20 when it was proposed in the House and I think you understand the concerns. As you know, 16 people died last year in the Toronto area from cars running red lights. It's something that is a real occurrence, where people are getting hit at intersections.

The Chair: Excuse me. It's getting a little difficult to hear with all the various conversations that are taking place. You might give Mr Colle your ear.

Mr Colle: It's a reality of people getting injured. Intersection accidents are usually very serious accidents, because they usually result in T-boning at 90-degree angles, and especially acute in terms of certain intersections. All the municipalities want is the ability to go ahead and install these cameras. The city of Toronto already has 40 intersections ready to go. They've got the technology ready. They've identified the intersections. The city of Hamilton has a couple of intersections identified. The city of London has identified intersections. So has the city of Ottawa.

These are very clear dangers where, if something dramatic isn't done in terms of monitoring these intersections, there are going to be serious accidents occur over the summer and into the fall. I think it would certainly be the right thing to do to move this along, have some summer hearings on it so that the municipalities would be allowed to protect innocent pedestrians and motorists from these people who run red lights. Delay would basically mean that you're going to leave people open to serious accidents over the next three or four months.

I urge you to sit during the summer, have some hearings. That is part of our job. It's not a matter of a choice. I don't know how many times it has sat over the last year and what bills it has deliberated over, but I think it's part of our job. We're paid to sit on committees. It's not an extra thing; we should also be sitting on committees, whether it's the summer, winter or fall. It's not as if this committee has any other bills with which it is charged. You've already dismissed one bill that you won't sit on in

the summer, so I ask you to do what is important for public safety in these dangerous intersections. I certainly wouldn't want to have it on my conscience to be delaying and deferring this.

Also, in terms of looking at the liability, if it was my family member or friend who was hit at a red light intersection over the next two or three months because this government delayed, I would certainly hold you liable as a government, because you know what the results have been, that red light cameras do save lives. There's documented proof, and for you, the government, to keep delaying and deferring this as you have for the last couple of years, it would basically make you if not legally liable, certainly morally liable for doing nothing.

You know this is part of the solution. The bill is open to changes if you feel they should be required. But we have to do something. This government is in such a hurry to pass so many bills on a daily basis — it's ramming bill after bill through — this is one, as I said, that would save people from serious injury, save lives. So again, this is not the time to stall and stonewall something that will be effective. I encourage you to sit in the summer and take immediate action in doing something about these high-collision intersections.

Mr Smith: Certainly there has been some discussion with respect to Mr Bartolucci's bill, and very clearly we've had a decision there. Simply, it would be my point of view that this particular bill that Mr Colle has presented would be a matter for the subcommittee to deal with at a later point in time, after the Bartolucci bill has been dealt with, for consideration as business of that subcommittee at some point in the future.

The Chair: Any further debate? No. Then I shall put the question. All in favour of Mr Colle's motion? Opposed?

Mr Colle: A recorded vote.

The Chair: All in favour?

Mr Wettlaufer: What was taken?

The Chair: The clerk had not in fact written everything down. She had begun to do that.

Mr Duncan: You don't want your vote to be recorded? You don't want people to be able to read about it?

Mr Wettlaufer: It's already a closed vote. You had already taken it.

The Chair: We had not in fact taken the opposed votes. Grant me this, Mr Wettlaufer.

Ayes

Colle, Duncan.

Nays

Arnott, Elliott, Hudak, Smith, Wettlaufer.

The Chair: The motion is defeated.

Mr Bartolucci: The vote is over now. If we can just go back for a point of clarification. It may be unusual, but what's the intent of the government realistically, Mr Smith? Do you want to debate it? Do you want to be continually bumping it or do you really want to have meaningful debate across the province?

Mr Smith: I'm not obliged to respond to that — I think we have had debate — but I will out of courtesy to you, sir. I think I have put my point forward and certainly the perspective of my colleagues. I can assure you that there is genuine interest in the merits of your bill, and it's from that perspective that we have the motion presented today. I know it's not as strong as you would like it, but very clearly, it's significantly more than what you had when you entered the room today. I think in that context we'll continue to work with you in that regard.

The Chair: Are there any other items before the committee? Very well, the committee is adjourned.

The committee adjourned at 1613.

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Clerk / Greffière

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Staff / Personnel

Ms Elaine Campbell, research officer, Legislative Research Service



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of Ontario**

Second Intersession, 36th Parliament

**Official Report
of Debates
(Hansard)**

Monday 17 August 1998

**Standing committee on
social development**

Protection of Children
Involved in Prostitution Act, 1998

**Assemblée législative
de l'Ontario**

Deuxième intersession, 36^e législature

**Journal
des débats
(Hansard)**

Lundi 17 août 1998

**Comité permanent des
affaires sociales**

Loi de 1998 sur la protection
des enfants qui se livrent
à la prostitution



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STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Monday 17 August 1998

COMITÉ PERMANENT DES
AFFAIRES SOCIALES

Lundi 17 août 1998

The committee met at 0910 in the Four Points Sheraton Hotel, Sudbury.

PROTECTION OF CHILDREN
INVOLVED IN PROSTITUTION ACT, 1998

LOI DE 1998 SUR LA PROTECTION
DES ENFANTS QUI SE LIVRENT
À LA PROSTITUTION

Consideration of Bill 18, An Act to protect Children involved in Prostitution / Projet de loi 18, Loi visant à protéger les enfants qui se livrent à la prostitution.

The Chair (Ms Annamarie Castrilli): Good morning. This is the first meeting of the standing committee on social development considering Bill 18, An Act to protect Children involved in Prostitution, sponsored by Mr Bartolucci.

Mr Rick Bartolucci (Sudbury): Madam Chair, just before we deal with the report of the subcommittee, I'd like to welcome the committee to Sudbury. I know that during the day you will receive some excellent information and certainly much food for thought to ponder as you wrestle later on with the clause-by-clause of this bill. Welcome to my fine city and my fine area. We hope you enjoy your day.

I have a report of the subcommittee on committee business that I'd like to present to be adopted.

The Chair: You're moving its adoption?

Mr Bartolucci: Yes.

The Chair: Very well. Any discussion on the report from the subcommittee? All in favour? Opposed? The motion is carried and the subcommittee's report on committee business is adopted.

SUDBURY REGIONAL POLICE SERVICE

The Chair: Our first presenter this morning is Alex McCauley, chief of the Sudbury Regional Police Service. Welcome, Chief McCauley. We apologize for the delay. As I explained to you, there was a bit of a mix-up with respect to starting time, but we are very pleased you're here and we look forward to your presentation. You have 20 minutes, so you have until 9:30 to make your presentation. In the event there is any time left over, the committee will ask you some questions if that's all right with you.

Mr Alex McCauley: It is, thank you, Madam Chair, and I don't mind the delay. I'd just like to welcome everyone, to echo Mr Bartolucci's sentiments. It's always nice to have the government holding hearings in Sudbury.

It is indeed a pleasure for me to be here this morning to comment on Bill 18, An Act to protect Children involved in Prostitution. First, I strongly support the passage of this bill and proudly commend our member, Mr Bartolucci, for his effort to develop Bill 18.

It is stated often that our most valuable resource is our children, yet all too often this resource is not protected nearly to the extent it should be. We have seen examples of children being victimized by our society in numerous ways or being drawn into a life of crime because at the time the glitter is there.

Child prostitution is one of the most heinous of these child exploitations. We have seen it grow over the years with the difficulty associated in prosecuting those who are involved with prostitution. Also, unfortunately, the Child Welfare Act does not contain the teeth necessary to deal directly with this problem. We have young children wandering the streets of this province, being preyed upon by those deviants among us who find some thrill in sexual acts with children. Then there are those who live off the avails, and I refer to them as the parasites of humanity.

This is not an unrealistic picture or one that is construed for shock factor. This is fact. In our city alone, child prostitution was becoming epidemic. We were finding children as young as 12 years of age actively engaged in prostitution.

There are a number of reasons why this is happening, the least of which is drug use and cocaine addiction. Also, many young girls are runaways who are introduced to this lifestyle by those who prey upon them. The result oftentimes is a life they cannot escape on the street.

In April of this year, about 30 prostitutes were working our downtown core of the city. At least 10 of them were teenagers and at least one, as I mentioned earlier, was 12 years of age.

Police, local businesses in our downtown area and other support agencies were recognizing the problem. Unfortunately, the general public is not as aware of the problem initially because the activity often takes place in alleys or in cars. We feel there is definitely a need for awareness by the whole of society and we feel that this bill and associated support such as this assists in that regard. Increases in prostitution at all levels bring a

corresponding increase in drug activity and other criminal activity, as well as the spread of sexually transmitted communicable diseases, especially by young people.

Our police service has had success with a number of crackdowns on the local prostitution trade through a project we borrowed from the Vancouver police that was called DISC: deter, identify, sex-trade consumers. But even with this it doesn't take long for the girls to be back on the streets with new locations and new customers. This bill in our view will enhance police techniques and will also work to enhance programs such as DISC. It will give the power to get young girls off the streets and help them to help themselves by developing skills and deterring those individuals who exploit children over and over.

DISC has been successful because in part it encompasses community support at various levels. Mr Bartolucci as well was very supportive of this program.

Dealing with the bill directly, some of the clear advantages of Bill 18 over existing legislation are, first of all, it defines a child as a person under 18 years of age. The Child and Family Services Act defines a child as generally under 16. There may be specific sections or specific parts of the act that will allow for supervision to an older age. By allowing the police to deal with those under 18, we capture the very vulnerable 16- and 17-year-olds who are often left to fend for themselves without the skills and support they need. The spirit of this legislation is to protect children to see that they are not in a position to engage in prostitution and come to harm or further involvement with those criminals who would exploit them.

Further, the bill clearly defines a child in need of protection. To quote directly: "if the child is engaging in prostitution or attempting to engage in prostitution." This gives police specific power to apprehend with warrant or in situations without warrant.

In the past, the police could only disrupt the activities associated with child prostitution. Under this bill, the child will be taken to a safe house and we feel that this is a definite advantage.

The legislation also allows a child care worker to make arrangements for long-term care without the fear of interference from an abusive parent or a pimp. Also, the ability to apply for a restraining order against individuals such as pimps who would try to contact and terrorize the children who are apprehended under the bill, or who are voluntarily trying to end involvement in prostitution, is in our view invaluable. In the past, we were unable to do this unless the child complained or the person was charged. Rarely, for obvious reasons, did the child complain.

Another significant area of this bill gives the police the authority to apprehend and convey the child to a safe house without warrant on reasonable and probable grounds that the child's life or safety is severely or imminently endangered because of engaging or attempting to engage in prostitution. This again not only gives the police the power to merely disrupt a situation where the child may fall into harm, but gives the authority to ensure that the child is out of a dangerous situation.

In conclusion, this bill will give the police and the child protection workers the power to deal with this difficult and widespread problem by taking the first step and getting the child off the street and safe. Where that child ultimately ends up will be influenced by the support resources available. Every child apprehended will not break free of their previous life. There are many factors to be considered in that child becoming involved in prostitution and some of those will affect that child for a lifetime. Even for those children that don't break free the first time, it gives them and other children hope. These children don't want to have a life of prostitution but they can't get out. This bill has the means to get those children out and on to a better life.

0920

The Chair: Thank you very much, Chief McCauley. You've left plenty of time for questions. We have about four minutes and a bit per caucus. We'll start with Mr Bartolucci since he is sponsoring this bill.

Mr Bartolucci: Thank you very much, Chief, for your presentation. I won't have very many specific questions about your thoughts on the bill, but I think it's very important for the committee to hear some of the very proactive steps that your police force, in conjunction with a very concerned community, is taking.

Before I ask you to expand on those a little, I should say that if there is a model police force working with the public, I say in all honesty that it's the way the Sudbury Regional Police Service includes the public.

Do you want to maybe outline a little bit about the DISC program, outline a little bit about the Unhooked activities you have going with the Elizabeth Fry Society, just to give the community a sense of what and how we're trying to attack the problem, besides this legislation?

Mr McCauley: Yes, I will. I know that there are going to be presentations later on that will probably deal in more detail with the Unhooked, but we are very closely aligned with the community on all of the things we do, and this is no exception.

Especially on this, it's very important because with the DISC program a lot of people took a lot of chances. What we do is we work in high traffic areas where prostitutes and young people are hanging around, and although it may be difficult to actually lay a charge, what happens is that we are looking at people who are combing the area and looking for them.

What we do is we stop, identify, talk to these people about the problem, attempt to deter them from going back there and then we forward a letter to their home, outlining all the points we have alluded to and encouraging them not to go back into that area. Doing that, what we hope is that we are going to deter the people who are actually out to pick up the girls.

As well, we work very closely with the child care workers, E. Fry, areas such as that, to deal with the girls as they come into care. We go out and talk to them. We try to find out exactly what is happening. So there's a lot of work that is going on.

Our service is dedicated to working with the community on this. I think, for a large part, we have been successful. There's definitely a long way to go. What is happening unfortunately at this point is that we're pushing the trade out to different areas within our city, but we're following it along. I think the key is to get out to the johns, the people who are actually taking advantage of these girls, if that's possible.

We deal with the pimps. We also deal with some meaningful follow-up. That's where the safe houses are really of a lot of value to us, the ability to be able to take especially these young people to a safe house. At that time we may have them with us long enough that we're able to analyze some of the difficulties they may have, which could be anything from disease to drug addiction.

It's very much a community response. I'm the chief of police and I deal with programs. I'm really proud of the effort that the community has made to do this.

Ms Shelley Martel (Sudbury East): Thank you, Chief McCauley, for making the presentation today. Tell me, do you have police staff who are actually dedicated to dealing with prostitution, then indirectly child prostitution?

Mr McCauley: Yes, we do. To the ability we can, our morality division is dedicated to that, but we have four officers who are involved directly with this particular problem and with the program DISC. Corrine Fewster, one of our female officers, has been very much involved in it. So we dedicate resources to the extent that we can, ever mindful of the fact that human resources in policing today is always an issue.

Ms Martel: Is what's important about the bill the fact that those four officers who are on the street now will have the ability to apprehend and take a child to a safe house? Does that actually mean that you will need more resources or that it will just allow them to do their job in a more effective way?

Mr McCauley: Probably a combination of both, but definitely the most important part is that they will be allowed to do their job in a more effective way.

First of all, if you move the yardsticks on the age so that you're moving it up to 18, I think that's a very important step right there, without any conditions. It not only helps us, but it will help child care workers who will have the ability to enforce the act as well.

I think these are very important. It clearly identifies the situation. In other words, there's not a whole lot of underlying definitions, if you would, as to what constitutes a child in need of protection. Currently, that is in legislation, but if you apprehend somebody, unless you can show at the time that there is actually some pressing danger to the child, unfortunately oftentimes our hands are tied. This is especially with runaways who are going to Toronto or places like that. The police deal with them and they seem fine. They're well fed; they're looked after. Unfortunately, we can't take it any further.

If we know through our surveillance or whatever that these children are actively engaged in prostitution, bingo,

the act comes into play and we're able to take the steps necessary to take this person out of circulation.

Mr Toby Barrett (Norfolk): Chief McCauley, you made reference to a program you run to alleviate some of the problems of people who are paying for these kinds of services. I wanted to ask, how successful are you with respect to — you made reference to the parasites of humanity, those people who are making money off this business or are providing accommodation. You mentioned cocaine or other products. What are the police doing there? Part of my question is, does this legislation go far enough? Do we need to have more material in the area of people making money from this or paying for it?

Mr McCauley: Dealing with the first part of your question, as far as dealing with the pimps and the people who live off the avails is concerned, we're doing everything we can. Oftentimes we identify these people, but it's difficult to shut them down because of the way the laws dealing with prostitution in the Criminal Code are currently set up.

I think we would have an advantage in dealing with those people if we are able to get the children out of the loop and able to have them in a situation where they would not be subjected to any kind of threat or harassment from this particular individual, because if they did or if there was any approach by this person, especially after we have limited them, then I think we would be able to deal with it in a more forthright way than we are now.

Clearly, it gives us an opportunity to at least make their life very uncomfortable. If they take it that step further, it's like most criminals, it's an opportunity for them, and if we believe that opportunity or make it so difficult, then they can't get there.

As far as expanding the bill is concerned, I don't know that we could expand the bill more. Perhaps we can. I haven't looked at it from that perspective, but I think we can definitely look into the Criminal Code at the federal level and say there that maybe we have to take a little bit of a stronger look at what's happening as far as prostitution, living off the avails and these types of things are concerned. Right now, it becomes very onerous. It's very complex to get out there on the streets. You have to actually have a deal being made to be able to complete the ingredients necessary for the charge.

The Chair: We have one minute left. Mr Brown is itching to get in here, but keep it short.

Mr Jim Brown (Scarborough West): Mr Bartolucci, I congratulate you on the bill. I looked at Bill 1 of the Alberta Legislature which basically is this and had considered introducing it myself as a private member's bill. I too have talked to Cherry Kingsley, and the crime commission has investigated this problem. I'm appalled at the Criminal Code, the fact that consensual sex is legal at 14 years and up for both sexes, and it's kind of unbelievable.

Before I waste all my time talking, what do you think about even more sanctions, such as the seizure of cars and assets of pimps and johns, to take it that one step further to cut down the supply of customers?

Mr McCauley: Absolutely, Mr Brown, that's an excellent idea. Anything we can do to disrupt their activities; I think that's an excellent one.

Mr Jim Brown: One further thing: Curfews under the Child and Family Services Act allow police to pick kids up after 12 o'clock, before 6 am in the morning, but a lot of forces don't do that. I don't know if you do it here, and if you don't, I'm wondering why not.

Mr McCauley: Because it's very weak in the act itself. It's almost to the point where it would be an administrative nightmare. Also, the key ingredient to the Child and Family Services Act is if we find a child in need of protection, so the situation involving curfews gets into a whole lot of areas such as identification, what you're going to do with them, what is actually happening, is the permission of the parent there? It's there but it's almost unenforceable.

The Chair: Thank you very much, Chief McCauley. Your on-the-ground experience is invaluable to the committee and you've given us a great deal to think about.

0930

SUDSBURY ACTION CENTRE FOR YOUTH

The Chair: Might I ask the Sudbury Action Centre for Youth to come forward, Laura Stewart, youth project coordinator. Good morning. As you join us, I will remind you — and if you weren't here, I'll tell you for the first time — that you have 20 minutes to make your presentation. Any time that's left over can be devoted to questions by the members.

Ms Laura Stewart: My presentation won't take quite that long. First of all, I would like to start off by introducing myself. My name is Laura Stewart, and I work with the Sudbury Action Centre as the youth coordinator. Before I begin speaking to the intrinsic value of Bill 18, An Act to protect Children involved in Prostitution, which was put forth by Mr Bartolucci, I would like to thank the committee for giving me the opportunity to speak before you today.

I would like to start out by providing you some background information about the Sudbury Action Centre for Youth, which is part of the distribution of handouts that I gave you. Then I will begin to discuss Bill 18 and present concluding remarks. Please feel free to ask any questions at the end of my presentation. I'll do my best to answer them.

The Sudbury Action Centre for Youth is a non-profit organization dedicated to offering assistance and support to hard-to-serve and vulnerable adults and youth who fall through the cracks within the human services systems. Our mandate is to assist young people in resolving problems with housing, their families, the law, the education system and with substance abuse issues. We also assist youth and adults, including ex-offenders, their families and people in conflict with the law. We help them to find employment, retraining opportunities and temporary job placements. We like to maintain regular contact with all community resources serving young people and we like to offer

assistance and support to hard-to-serve and vulnerable adults who fall through the cracks in the human services systems.

The three main programs offered by the Sudbury Action Centre are the non-residential community youth support program, the employment program and the risk reduction program.

The non-residential community youth support program provides volunteer and staff support to assist youth, including special-needs and at-risk youth who require crisis intervention, with daily living and life skills training, advocacy and community case management services to access the needed services. We also provide a drop-in centre as an alternative to youth roaming the streets, with access to information about community resources. The youth program also includes job search assistance, including résumé preparation and referral to employment services and education and training opportunities.

The employment program is funded by Human Resources Development Canada and provides a casual labour referral service for hard-to-serve individuals seeking temporary work. We address basic barriers to employment and assist people to find unskilled jobs that help them to maintain their dignity and self-respect. Employers can find workers to fill temporary contract work such as snow shovelling, lawn mowing, janitorial work or any job that requires physical labour or is temporary in nature.

The other service offered by the Sudbury Action Centre is the risk reduction program. We offer a program that provides education and information to help prevent the spread of HIV and AIDS and hepatitis A, B and C. This program is funded by the Sudbury and District Health Unit, which also provides a public health nurse to visit the action centre once a week and provide education and testing in regard to AIDS/HIV, hepatitis and pregnancy.

Because the Sudbury Action Centre works directly with the hard-to-serve population at a grassroots level, we feel it is our responsibility to our clients and to the community to speak to the issue of child prostitution. The Sudbury Action Centre for Youth supports the intent of the legislation, which states that "the safety, security and well-being of children is...paramount," and also feels that the responsibility of protection rests with both the family and the community. With this being said, we would like to provide you with our recommendations in regard to Bill 18.

Prior to a child's return home or to an adult who has care of the child, we feel there needs to be a thorough assessment of the child, which should include the child's home life. After all, it is often a negative home life which causes the child to seek refuge on the streets. Also, families may not be equipped to cope with the lifestyles that are associated with the return of the child, such as STDs, substance abuse and the need to return to the streets. This assessment should also include other issues, like addictions and the child's length of involvement in prostitution, so that an action plan can be formulated with all parties involved in order to ensure that the child can

return to a healthy lifestyle. Alternatives open to the child, families and community need to be clearly defined in the most effective and non-judgemental manner.

Legislators must also recognize that protective home situations also give way to outside influences in that the younger girls become more knowledgeable about the prostitution lifestyle from their peers and may become more attracted to the lure of money and access to illicit substances. Therefore, a clear process of assessment of homes and security issues needs to be mandated and evaluated on a regular basis. The young women must have the assurance that their well-being is secure.

A strong component of the legislation is the clause which states, "The minister may establish programs that in the opinion of the minister are necessary to assist children." The Sudbury Action Centre believes this is crucial. The children involved in prostitution need to know that there are alternatives which they can access. The Sudbury community has rallied together on the issue of child prostitution, and from that the Elizabeth Fry Society has spearheaded the development of the Unhooked program, which was developed to address this issue in our community. Because a member of the committee will be speaking about this program later today, I will not elaborate, but encourage you to support this venture.

Youth groups such as Together We Progress, which is the youth group that we offer at the action centre, also offer peer support and life skills training that is non-judgmental and environments that are youth-friendly. If we are saying no to the prostitution lifestyle, there has to be a healthy alternative.

My recommendations, from a youth perspective, are as follows: I feel that Bill 18 will help protect children involved in prostitution. I believe community awareness and social outreach are the avenues needed to help reduce the number of children involved in prostitution. Bill 18 will be more successful in this respect if all social agencies put their hands together and reach out to these youth. We all need to be informed about this growing problem and advised about ways that we can help. All social agencies should strive to make a group effort to help spread awareness.

We also need to work on improving the image of youth in our community. Many adults perceive youth as being troublemakers and fear them. We must ensure that we are also educating the public about the good that youth do within our community to ensure that we do not further damage the already fragile image youth have. This will help youth feel less alienated and more accepted in society, which will definitely have a positive impact on our community.

The legislation must ensure that there are adequate supports and programming in each community that these children can access to end their involvement in prostitution. The legislation should stipulate that these programs are essential services in each community and ensure that adequate funding is received by the government for these programs.

It is our belief that with these expansions to the legislation, our children's welfare in the community can become more positive. Thank you for your time. I hope that as you continue this process, our thoughts and the comments of other organizations are taken into consideration.

The Chair: We have about four minutes per caucus. We begin with Ms Martel for the NDP.

Ms Martel: Thank you for coming today. I think you hit the nail on the head when you said really the key here is to ensure that once the police have the opportunity to apprehend, the community has safe houses or enough safe houses, and also that the community has programming available to try to deter a child from returning to a life of prostitution. In that respect — I'm not sure if you can answer this question or not — do you know how many safe houses we have in this community?

Ms Stewart: No, I'm not aware.

Ms Martel: Would you know which programs are available to deal with child prostitution, or is the one we're looking at the one that the Elizabeth Fry Society has put forward for funding?

Ms Stewart: Yes.

Ms Martel: So that is what we're looking for at some point in the future, if funding can be guaranteed.

Ms Stewart: Yes.

0940

Ms Martel: You talked about the need to do an assessment of a child before the return to home, particularly because it may have been from that very home environment that the child has fled. As I look at what a police officer can request a judge to do, which is to issue a warrant to apprehend someone or issue a warrant to return a child to a parent or an adult who has some authority over that child, it seems to me, given what you've said, that in almost every circumstance we are going to have to ensure that a child goes to a safe place first in order to ensure that an assessment is done. So the option of actually getting a warrant to return someone to their parents immediately is just not on. There has got to be some time, as you have pointed out, to do a thorough analysis of whether that's a good place for that child to return to. The need for a safe house in this community, or a number of safe houses, becomes even more important if, as I follow your line of reasoning, most children should end up there first in order for an assessment to be done.

Ms Stewart: Yes.

Mr Jim Brown: Good morning. I enjoyed your presentation. I'm curious as to what your experience has been in trying to get the young prostitutes away from the pimps, get them into any sort of program. My own experience in Toronto has been, in talking to some of the kids, that it's very difficult, that they are very fearful of the pimps and that one may have to have them in custody or some sort of protection for 60 or 90 days. Then we get into problems with the charter and the Constitution — the charter and the Constitution seem to be running our country more than elected politicians are — and we get into hearings and everything, so that may be difficult.

I'm wondering what your experience has been. How do we break the child or the young prostitute away from the pimp? You probably heard my point earlier about seizing the assets of the pimp, making it an offence and realizing those assets and maybe plowing it back into child welfare, and in terms of the johns, taking their cars and impounding them and eventually selling them and plowing that money back in.

Two things: What has your success been in breaking the prostitute away from the pimp, and second, what do you think of seizing the assets to finally put a stop to it?

Ms Stewart: On your first question, our youth program is voluntary, so we don't have necessarily that break, because the youth we deal with come in on their own. More often than not they do return because there are not adequate incentives for them. Although getting healthy is a major incentive, again it's the money issue, the fear of the pimps, that leads them back. There have been some youth who have been successful in breaking away, but —

Mr Jim Brown: It's a rarity.

Ms Stewart: Yes.

Mr Jim Brown: What about seizing the assets and taking away the cars to discourage this business completely? If you take away the incentive to do the business from the adults, what do you think of that?

Ms Stewart: I think you would have to be very careful on that in that it could cause greater repercussions within the community towards the young girls, that they are feeling less able to break free because therefore there is more pressure on them. It will still be around and it will get further and further underground as opposed to being where we're at.

Mr Bartolucci: One quick question and then I'll turn it over to my colleague. First of all, Laura, thank you very much for what I consider to be an excellent presentation and for the good work that you do.

You cite a very, very important part of this legislation that, because it is not as dramatic, hasn't received the attention it deserves, and that's clearly the part that allows the minister to establish programs that in the opinion of the minister assist children. That's a pretty broad statement, but it was made broad for a specific reason. We want the minister to be able to attack the problem on a number of fronts.

You have issued a few suggestions, which are excellent. If you were the minister, what program would you implement today to ensure this legislation has some bite to it and some meaning to it?

Ms Stewart: I think the program here that the Elizabeth Fry Society will speak to later, Unhooked, is going to be an excellent venue. It will have several components that they will speak to later. I think that program and similar types across Ontario should be implemented.

Mr Bartolucci: Thank you. Before your presentation is over and after Mr Gerretsen's question, I know you are going to invite the government and the committee to tour the Sudbury Action Centre, which is an excellent one.

The Chair: Mr Gerretsen, you have just under two minutes.

Mr John Gerretsen (Kingston and The Islands): I would just like to follow up on something that Mr Brown said. That deals with the ability of the police to seize the assets of the pimps etc. Maybe I misunderstood you. I thought you said that if they did have that power, in effect it may make it worse on the young prostitute because there may be greater pressure on her. Did I hear that correctly?

Ms Stewart: Yes. What I meant by that is if you are seizing the assets of the pimps and the johns, there may be more abuse that goes on, because with all those assets taken away, the pimps are perhaps left with nothing but the young women. Therefore, in order to secure any sort of money once they lose these assets, they will start again in their entrepreneurial —

Mr Gerretsen: Which gets me to my second question. That deals more with the issue —

The Chair: A short one.

Mr Gerretsen: What happens, though, after they are in the safe house for a period of time? What really has to happen is that there has to be sort of a lifestyle change. Obviously we need programs or we need stimuli to get them completely out of that mould. Is that what we'll be hearing about later on in Unhooked?

Ms Stewart: Yes.

The Chair: Thank you very much, Ms Stewart. We appreciate the time you have taken this morning to inform us on the work of your group.

Our next presenter is Patty Taylor of the Cecil Facer Youth Centre. Is Ms Taylor here? No?

SUDSBURY YOUTH SERVICES

The Chair: We'll move then to the Sudbury Youth Services, Beverley Crockford, executive director. Welcome, Ms Crockford. Thanks very much for being here. As you may have heard, you have 20 minutes to make your presentation. You can use it as you wish, but if there is any time, we'll ask you some questions.

Ms Beverley Crockford: Thank you. I would like to advise the committee that I am going to do two presentations, but well within 20 minutes. The first one I will do is on behalf of the young offender services manager, Kathryn Volf, from the Ministry of Community and Social Services, who can't be present today but certainly not only wanted to submit something in writing but wanted it read aloud to all of you.

Welcome to Sudbury and thank you for coming.

"The protection of children involved in prostitution legislation has the foresight to address the pervasiveness of this issue in our communities in this region and province.

"We at probation services have had an historical concern with the movement of these clients to the larger cities for a period of time and the longevity of their activities in prostitution.

"Prostitution at any age is not by choice. No prostitute is born. The feelings of 'safeness' and 'worth' are not attainable for these youths, and as a result they begin a life of terror, abuse and drugs.

“‘Children’ is the key word in this legislation, as is the ‘safe house.’ The conundrum for many of these girls is their families and the lack of care and supervision which in part sowed the seeds for a life on the streets. The constant running by the girls escalates their vulnerability and further abuse in a world of criminality and abuse. Movement from home to home and escapes from custody continue the cycle of prostitution while on the run.

“Despite the perceived ‘fun’ and ‘excitement,’ their childhood is soon lost.

“The complexity of the activities of the girls, along with the health issues, will affect them for the rest of their lives, eg, socially transmitted diseases and drug addiction.

“This legislation also addresses the need for ‘timely’ apprehension by police, safeguards the children’s right to a show-cause hearing for further confinement and the support of restraining orders as required. Bill 18 also complements the present Child and Family Services Act regarding child protection and children’s rights.

“Prostitution affects everyone, whether it is a neighbour’s child, a niece, a walk downtown or a business owner’s pride for his or her storefront area. We respond when issues affect our lives.

“Bill 18 is progressive due to the needs of children made paramount with the police, the judiciary and child welfare in dealing with the cycle of disease, abuse and criminality of child prostitution.”

Those remarks are from Kathryn Volf, young offender services manager, Ministry of Community and Social Services, district of Sudbury-Manitoulin.

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Now I’ll move on to the presentation on behalf of our own agency, Sudbury Youth Services.

Thank you for providing an opportunity for this community to respond to this important issue. When virtually the entire Legislature, regardless of political affiliation, comes together in their mutual concern for the well-being of the children of Ontario, I feel encouraged.

My job is to manage a young offender facility for 12- to 15-year-old boys and girls funded by the provincial Ministry of Community and Social Services. The service provides both open and secure detention and custody.

I can recite, chapter and verse, stories of children as young as 12 years old who are involved in the sex trade in this community. You would be reduced to tears to know of the poor physical condition they arrive in, most often needing immediate medical attention. They lack even the most basic awareness of the dangerous circumstances from which they have been removed. They think they are invincible and they do not fully comprehend the negative ramifications of the high-risk lifestyle they have been leading, even in the short term. Aside from the STDs they are being exposed to that are life-altering and the drugs they use to feel good about themselves, they have been somehow convinced that their pimps will protect them and keep them safe.

They also believe they are in control of their customers. Everyone here knows that nothing could be further from the truth. In fact, we all know that they are considered

quite expendable. Their only value to their pimp is economic, and to their customers, sexual gratification. We genuinely fear for these kids upon their release from the detention facility.

Our community is concerned. The police have taken action, the MPP for Sudbury has brought this legislation forward, and a group of individuals and service agencies have come together to develop and deliver services specifically for these children and youth. In addition to critical issues of health and safety being addressed, ways and means to provide opportunities for the lives they were meant to be living and enjoying have received particular attention. I understand that a member of the advisory committee will be speaking today to you and will be providing greater detail about the plans that the community committee has developed under the auspices of the Elizabeth Fry Society.

To conclude, the fact that we are here today because of legislation that you have put forward and supported speaks volumes about the priority you place on the value of all children in this province, and it is appreciated.

Finally, I would like to suggest that as the legislation is reviewed this fall, close attention be paid to ensure that it is complementary to existing child protection legislation.

The Chair: Thank you. We have again about four minutes per caucus. Mr Brown for the Conservatives.

Mr Jim Brown: I agree with you that these lives are tragically lost, probably, once they get in the cycle. I can tell you that when the Legislature sits late at night and I walk back along Grosvenor Street to my offices at the Solicitor General, I walk through a male stroll, young male prostitutes along Grosvenor Street. It’s pretty disheartening.

While I support Mr Bartolucci’s efforts, I would like to know what you think about going after the pimps and the johns, being a little more aggressive with the pimps and the johns. I’m sure you heard my comments earlier about taking away the incentive to do the business. Taking away the johns’ cars and freezing the pimps’ assets, eventually seizing them and realizing upon them, what do you think about that? We can talk all we want but the pimps and the johns are going to keep going if there’s an incentive. If we take away the incentive, we may take away the organizers of this business, because certainly they are the organizers.

Ms Crockford: As long as you’re not asking me to go out and do it.

Mr Jim Brown: No, the police would do it. I think the police would love to do it.

Ms Crockford: In all seriousness, there are pros and cons to that. That’s the ideal. The ideal is to make it not economically viable. If you have the manpower to do that, then that’s probably the ideal.

Mr Jim Brown: One of the problems is that the police keep going back to the same problem. If you can solve the problem the first time they go there, they don’t have to go back, so actually it’s a better use of resources, a more efficient use of resources. You go there once and once you look after business.

Ms Crockford: I listened to the chief speak earlier and I think you put the same question to him.

Mr Jim Brown: Yes, I did.

Ms Crockford: He was in support of that. I would assume from that that his opinion would be that they are capable of carrying that out.

Mr Jim Brown: I think the chief would say, "Just give me that and I'll do it once and I won't have to keep going back to the same problem over and over and over again."

Mr Bartolucci: Thanks, Bev, for two excellent presentations. Just so the committee understands the importance of what you do, you said we could almost be reduced to tears. Now, I don't want you to be sensational, but give us an example. You've talked to me about these examples. They're real and they hurt. Maybe just outline one example very quickly.

Ms Crockford: A 12-year-old we may have known previously but was not prostituting comes to us in a condition that is requiring immediate medical attention, who is now involved in cocaine by needle and may have been exposed to a number of very serious STDs, some that ultimately can prove fatal. They certainly don't come with any revenue when they enter the detention facility. Very rarely has that ever happened. These little kids aren't getting the money, and if they are, it's passing through their hands very quickly and going back to buy the drugs they are now being hooked on.

Mr Gerretsen: I've been trying to get a handle on the extent of the problem here in the Sudbury area, knowing roughly the population base and that sort of thing. How many other organizations like yours are there in Sudbury and how many individuals, young prostitutes, would you run into in your agency's day-to-day work in a month or in a week? Are we talking about a dozen youngsters in the community, are we talking about 50, are we talking about 100? What are we talking about?

Ms Crockford: I can only speak to the 12- to 15-year-olds. That's the service we provide. Cecil Facer Youth Centre would be able to speak to 16- and 17-year-olds. I know I was alarmed enough when we had four or five girls at one time that I went to speak to the Elizabeth Fry Society about something needing to happen. We could keep them safe as long as they were with us, but all bets were off once they were released and went back to the community.

The other part of your question, the numbers, I'm not —

Mr Gerretsen: Is it a growing number, though, all the time? Do you see it more often now than, let's say, five years ago?

Ms Crockford: Absolutely. In the last 18 to 24 months, our exposure to it has increased. There's no doubt about that. Kids are impressionable and by association they learn more about it and tend to get involved.

Ms Martel: Thank you, Bev, for participating this morning. For the purposes of this legislation, would Sudbury Youth Services be considered a safe house?

Ms Crockford: We have a designation in our open detention program as a place of safety. Actually, that's

where children are being brought in in need of protection, or on some occasions they have now been charged in a prostitution-related offence. So we are a place of safety. I don't know that we'd be considered a safe house.

Ms Martel: What kind of programming can you offer either with respect to drug addiction and counselling for that or any kind of counselling with respect to the prostitution end?

Ms Crockford: Our number one thing that we can do for these kids immediately is stabilize them. That means they get immediate medical attention, "immediate" meaning immediate. We broker for any services such as drug addiction counselling with existing core-funded services in the community, such as, through Network North, their Pinegate services. They are coming in on a regular basis and are quite well aware of these kids. Health and nutrition are taken care of.

While they're with us they're safe, but as you say, it is for a limited number of days. The real concern is when they're returning to the community, because often they are right back into it unless there is going to be something in place that can interfere with that, interrupt it.

Ms Martel: As I listened to you describe a profile of someone who would come into your custody in terms of being invincible, on drugs, who think they're going to be protected by pimps, I gather that the kinds of services a child like that is going to need are quite significant, but as I understand it, that's not readily available in our community at this point in time. Do you have a sense of what kind of core programming we are talking about?

Ms Crockford: Yes, I do very much. I know that Marianne Zadra is going to speak later on today and describe that in greater detail, what the community of social services and individuals have come together to develop to this point. I think that will be quite enlightening for this committee to hear.

The Chair: Thank you very much, Ms Crockford, on behalf of the committee for sharing the experience of your organization with us.

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REGIONAL MUNICIPALITY OF SUDBURY

The Chair: I ask Doug Craig, the acting chair of the regional municipality of Sudbury, to come forward. Welcome. We're pleased to have you here with us today.

Mr Doug Craig: Good morning, ladies and gentlemen. On behalf of the regional municipality of Sudbury, I would like to thank you for the opportunity to address this critical social issue today. I am here to speak to you not only in my capacity as acting regional chair but also as a concerned citizen, city councillor, teacher, secondary school vice-principal and father of three children.

All too often over the years in my role as a secondary school vice-principal, I've sat in my office with parents and shared their helplessness, shared their hopelessness and seen in real terms their pain as they watched the dreams, hopes and aspirations they had for their son or daughter, in most cases their daughter, literally vanish

before their eyes. This frustration is compounded by the fact that they've run into one more authority figure who currently has no power to do anything productive to intervene and reverse the situation. I believe Bill 18 would go a long way towards providing the help these parents are so desperately, believe me, seeking.

We are very pleased that Rick Bartolucci, MPP for Sudbury, has taken the initiative to bring Bill 18 to the forefront of the Legislature. We also appreciate the priority that this bill has received. This is a critical issue that demands an expedient solution. As you may be aware, a resolution supporting Bill 18 was unanimously passed at the May 27, 1998, meeting of regional council. The resolution, which has been forwarded to the Premier and cabinet ministers, reads as follows:

"Whereas Kofi Annan, secretary-general of the United Nations in the forward to the 1997 Progress of Nations, which charts the advances made since the 1990 World Summit for Children, at which governments, including Canada, pledged to take specific steps to improve the lives of their children, wrote in part:

"The day will come when nations will be judged not by their military or economic strength, nor by the splendour of their capital cities and public buildings, but by the provision that is made for those who are vulnerable and disadvantaged, and by the protection that is afforded to the growing minds and bodies of their children'; and

"Whereas there are children as young as 13 prostituting themselves on downtown Sudbury streets; and

"Whereas the Criminal Code of Canada deals with those persons who use violence to force children into prostitution for profit and includes measures to make it easier for child victims to testify against their exploiters but does not allow police officers and other child protection workers the right to bring a child prostitute into protection; and

"Whereas Mr Richard Bartolucci, member of the Legislative Assembly for Sudbury on May 14, 1998, introduced for first reading private member's Bill 18, An Act to protect Children involved in Prostitution; and

"Whereas Bill 18 proposed several measures that, if enacted, would give the police and other child protection workers the power to remove children involved in prostitution and to provide protection from further sexual exploitation;

"Therefore be it resolved that the council of the regional municipality of Sudbury supports the enactment of Bill 18, An Act to protect Children involved in Prostitution, and urges all members of the Legislative Assembly to give third and final reading to Bill 18, as introduced; and further,

"That copies of this motion be forwarded to the Premier and all other ministers."

Ladies and gentlemen, this may sound like a very long-winded and official resolution. I make no apologies for that. That is exactly what it is intended to be. This resolution reflects the magnitude and significance of this critical social issue.

The Sudbury community would like you to know firsthand that child prostitution is prevalent on our streets. It has been estimated that there are currently 15 to 20 young children — yes, children — as young as 12 years of age prostituting themselves on the streets of our community. This figure is distressing, but even more alarming is the fact that there is currently nothing that can be done by police and other child protection workers to intervene. They do not have the power and authority to remove children involved in prostitution and to provide for their protection from further sexual exploitation.

Bill 18 I believe would give the police and other authority figures this power. As you have already heard and will hear from other presenters today, the Sudbury community has banded together to tackle this highly complex and sensitive issue. As Chief Alex McCauley has stated, he has implemented a special task force whose purpose it is to target the consumers and procurers of the services of these children.

In addition, numerous community agencies have joined forces to develop an education and treatment program to not only target the girls currently on our streets, but also to prevent others from being enticed into following a similar path. It is imperative that we deal with this situation from both a reactive and a proactive perspective.

Distinguished members of the committee, I strongly urge you to consider the serious nature of this debate. Although Mr Bartolucci introduced Bill 18 as a result of the child prostitution problem in Sudbury, make no mistake; this issue is not specific to our community. Child prostitution, I hate to report, is occurring on the streets of most small and large centres throughout Ontario and across this country. Our city is a mere reflection of a much larger societal concern. In order to illustrate this point, let me refer to another concern that has received its share of media attention locally and beyond.

Sudbury has been very proactive in addressing the homeless issue within this community through the efforts of the emergency housing advisory committee of the District of Sudbury Social Services Administration Board, of which I am chair. While it has not been entirely eliminated, we have succeeded in achieving a lower-than-average homeless rate when compared to other parts of the province. Homelessness is much more prevalent in other communities. By way of comparison, the child prostitution problem is also larger in scope in other communities.

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In closing, I would like to commend this government for taking quick action on this bill and for allowing public input into the process. I would also like to thank Rick Bartolucci for having taken the initiative to introduce Bill 18. I further want to thank local agencies and individuals who are working collaboratively to eradicate this problem because they care about the future of our community, our province and our country. I applaud their efforts on behalf of the region.

Finally, and most importantly, I would like to commend the children and the young men and women who have had the courage to come forward here today to speak on this

issue and those who have had the strength to get off the streets and redirect their lives towards a more positive and healthy lifestyle. I am certain that these individuals will become role models for other children in our community in the months ahead.

All too often — I go back to my profession — as a vice-principal, I've watched that spark, that gleam that should be present in the eyes of a 13-, 14-, 15-year-old literally vanish when their lives get caught up in a situation and it begins to spin out of control. I can tell you my experience. Without a doubt, that spark, that gleam never returns to their eyes. These young people carry the physical and emotional scars with them forever.

I believe that Bill 18 will go a long way in ensuring a brighter future for many, many of our children. Thank you once again for your attention. I welcome any questions that you might have.

The Chair: Thank you, Mr Craig. We have three minutes per caucus.

Mr Bartolucci: Thanks very much, Doug, for a very moving presentation. I've waited to ask this question because I wanted to hear your presentation before I asked it. You know that one of the controversial aspects of this legislation is the inclusion of 16- and 17-year-olds. If we are going to have compatible legislation with the Child and Family Services Act, that's going to require a change either of the Child and Family Services Act or this piece of legislation. I hope it would be Child and Family Services Act over this legislation. However, that is for discussion at a later date.

It is important, though, that we receive your input into that. You were a vice-principal of not only 12-, 13-, 14- and 15-year-olds, but of 12-, 13-, 14-, 15-, 16- and 17-year-olds as well, and in some instances, but not too many, 18-year-olds. Do you support the inclusion of the 16- and 17-year-olds in this legislation?

Mr Craig: From the vantage point of my educational background, I certainly would support the inclusion of 15-, 16-year-olds, very definitely. It's the time in their lives when peer pressure is the strongest pressure they have. It's stronger than any parental bond; it's stronger than any institutional bond at that time. Those are critical years. I would support the inclusion of those individuals of that age.

Ms Martel: Thank you, Doug, for coming today. I want to return to the point you made in a couple of places in the brief about your experience as a vice-principal in a downtown high school that is quite large. Tell me if you have a sense of how schools may or may not be used at this point as a — I don't want to say training ground, but as a place for either pimps or people already involved in the sex trade to then encourage other young women, essentially, into the trade as well.

Mr Craig: A good part of my time often in the spring and the fall would be making certain that unwanted individuals would not be entering right into our schools from other locales with their cell phones and their cars. We would call them recruiters. From the other view, the people who are in our schools who do get caught up in this

situation, I don't know if we can include something in our curriculum that might get to them before this happens. I can assure you that when they get caught up and their lives start to spin, we rarely see them any more in our schools.

The meeting I referred to with the parents and the child, that's usually only one or two and then I lose sight of the parents, I lose sight of that individual child. I rarely see that individual again until I read about her in the paper perhaps.

Ms Martel: Actually, for the purposes of the committee it would be helpful, not at this time but at some other point, if as a former educator just recently retired you could give some thought to what kind of programming we could have at school at the preventive end. I think there will be much focus in the regulations about how you develop programming after someone is involved in the sex trade and after you're trying to get them out of that. But there hasn't been a focus, not for any single reason, on what we do at school. I would think that school is probably a breeding ground, at this point, for recruiters and for enormous peer pressure to drag other kids into this illicit activity.

Mr Craig: I would agree. I guess we'd have to start with our curriculum in some of the areas, whether it's in the social studies area or man and society. But we can't namby-pamby to the curriculum. We have to be very straightforward. We have to show what the life really is, where it leads to, perhaps not scare tactics but in a very realistic way. We have to impress upon those minds that this course of action, this direction they take can only lead to a life of — lead to no life.

Mr Jim Brown: You're stealing some of my thunder. You used the word "namby-pamby." That conjures up the namby-pamby approach to some of these problems by the federal government. I found it quite unbelievable that consensual sex, even for consideration, for 14-year-olds and up is not a Criminal Code violation. Here we go again at the provincial level trying to patch up some of the problems created by the namby-pamby approach of the federal government. I'd like to know how you would make the bill even tougher. One of my ideas is to target the pimps and the johns. How can we make it even more effective?

Mr Craig: Having read it quickly a number of times, I thought the \$25,000 fine and quite a lengthy incarceration — those deterrents are quite applicable, unless they're the maximums, and of course they never occur.

Mr Jim Brown: What about the johns?

Mr Craig: I came here today thinking about children. I didn't come here today thinking about the procurers and the people on the streets who control these. But I would support the very strictest form of penalty that our society would tolerate and our courts would be willing to impose on people who destroy lives. That's what they do.

Mr Ted Chudleigh (Halton North): You mentioned that you lose sight of these children until you might read about them in the newspapers. Any idea of what their life expectancy might be in this lifestyle?

Mr Craig: I can only say that the quality of her life expectancy is very short. The road usually leads to leaving the security of the family home, getting into the streets, and only for that period of time that they are productive and that they are earning money for whoever is controlling them at the time; and probably after becoming pregnant, diseased, hospitalization of some kind; and then after 18 months, a sudden realization, hopefully, that where they are and what they're doing is not what their expectations were, and then they attempt sometimes to return to the family. That is not always successful either.

Certainly the quality of their life is a very short. I don't know exactly what you mean by their life expectancy, but I can only say that the quality of their life expectancy deteriorates from the minute they become hooked and get caught up in this situation.

The Chair: Thank you very much, Mr Craig, for appearing before us today. I can assure you that your extraordinary range of expertise will be of great value in our deliberations.

1020

CECIL FACER YOUTH CENTRE

The Chair: I ask Patty Taylor, social worker with the Cecil Facer Youth Centre, to come forward. Ms Taylor is late because she's doing her job. She was very busy at the centre. We're very grateful to you for being able to make it.

Ms Patty Taylor: Thank you very much. My apologies for being late. I'm a social worker and we all know that Murphy's Law happens Monday morning.

Good morning, everybody. Thank you for allowing me this opportunity to speak to you in support of Bill 18. I am employed as a social worker at Cecil Facer Youth Centre. For those of you who don't know what Cecil Facer is, it's a secure custody detention facility for young offenders between the ages of primarily 16 and 18. These are youths who have come into conflict with the law and have been charged with offences under the Criminal Code.

Primarily we deal with male youth at Cecil Facer. We have approximately 80 male youths, but we also have a female unit and currently run to about 16, which is actually a little bit high, to get 16 girls in one unit. You can imagine.

With exception, we do service some youth classified under phase 1, the 12-to-15-year-olds who fall under community and social services, but they're not high in number and don't normally exceed 20% of our population.

When looking at Bill 18 — and for a while now this has kind of been going around our facility. We've been doing some of the talk with teachers, with the clinical staff and correctional officers who work directly on the line with the youth in the cottages and supervise 24 hours a day, and there's been tremendous support. There's been tremendous support from the residents as well, both male and female.

We at Cecil Facer work with youth from myriad backgrounds, but there are some key characteristics that, when

you're looking at characteristics of our population, lend themselves to the possibility of the kids falling into the sex trade.

Mr Dave Kechnie is a former teacher and researcher at Cecil Facer and over the years he compiled some stats. He was keeping track of where the kids were coming from, what the charges were, what kind of family lives and histories the youths had. It's not the total rule, there are always exceptions, but what he came up with was that a large part of the youth we deal with come from lower socio-economic backgrounds. They're mainly from single-parent homes. Over the last five years we've noticed that many come from a lot of reconstituted families, where the parents have split at a younger age and have remarried. Some have married several times or have been in several partnerships, partnerships that have been abusive from the youths' very young age. The custodial parent, whether it be mom or dad — and it's primarily moms; most of the kids live with their moms — primarily choose abusive relationships time and time again. So it's not like these kids are born into a dysfunctional relationship and it splits and then mom meets this new person and it's wonderful. Oftentimes it's repeated over and over so that the kids experience this abuse over and over again and learn very dysfunctional patterns themselves.

Most of our kids have poor achievement scholastically. They suffer from poor self-esteem. They have a very strong need to belong and to be accepted by peers. When we're looking at ages and stages of development, we all go through the age where we want to be accepted by our peers, but with our kids that need is very strong.

Most of the kids have a very poor cause-effect reality, a lot of rationalizations and denials, and don't really see what they're doing and taking into account that it's leading to current behaviours or consequences. They have strong needs for immediate gratification, are very impulsive, don't think through their decisions clearly. We have a number of youths now who are starting to be diagnosed ADD-ADHD. These are attention deficit disorders that have gone unnoticed from early childhood.

When we're looking at the correlation between choices, their behaviour, their offences, those involved in the prostitution, 99% of our population have addiction difficulties. That could be addiction to alcohol, drugs. Some of the very northern youth, if you're looking at some of the reserves, are into the solvents. That's very prevalent with the youth who come to Cecil Facer.

A large percentage of our youth are from abusive backgrounds — physically, sexually, emotionally abused from very early ages.

Looking at the female youth where I'm working, very few of the females have not been sexually abused, and often multiply, from very young ages. Then they get into the cycles where they're into relationships that are also abusive, so the patterns are continuing. There's very strong victim awareness denial, rationalization, and our females are often self-mutilators. We often find that our male youth are very angry and explosive, but our females turn their anger and their self-disgust and repulsion in-

wards. You'll often talk with the girls and you'll notice slash marks from here to here. We still have occurrences in custody. When we're dealing with issues with the sex trade, when we're dealing with issues of abuse from the past, it triggers and you'll get another self-mutilation. That's an ongoing challenge with the youth we work with.

I work mainly with the female unit and run ongoing programs. There have been some really significant changes in the last 10 years in both the offences that the girls are committing and the lifestyles they are leading. Right now we have 16 girls. Currently, in talking with the girls, 12 out of the 16 have engaged in acts of prostitution. That's a really high percentage.

The males have also engaged in acts of prostitution, but we find that the males who are reporting that come from the south. Our northern males have not come forward and spoken a lot about that. It's mainly the males from the south.

Most of the girls I deal with, like I said before, are between the ages of 16 — they find they no longer have the supportive services from, for example, the child welfare agencies. Some of these kids have been with children's aid societies from very young ages. They hit 16 and they're not abiding by the rules of the house or the group home or the foster home, because they're into the drugs and they're into the new peer groups. They want to belong so they'll do whatever it takes to be accepted. If they have been prostituting, a lot of times we'll get the call saying, "This youth is no longer abiding by the contracts and we're seeking termination of wardship." Then of course my hair stands on end. But oftentimes the girls don't put up a fuss either, because they see it as maybe one more control that they can get rid of, unfortunately. They just don't seem to look beyond the short years they have as a youth to where they're going to be when they're 18 or 19 and burnt out from the drugs, burnt out from prostituting, and then where are they going to be? We're encouraging them to look farther than that, to look three, four years down the road, when you do need the help, because these people can stand by you.

The girls speak regularly of the correlation between their low self-esteem and inappropriate relationships in their lives. Often, sexual alliances include those in the drug trade. The girls we get from the Sudbury area talk a lot about the bikers and how they seem to be roped in, as they say, when they're looking for acceptance, when they're on the streets. They're hungry, they have nowhere to go, and they have this wonderful person who comes into their lives and offers them shelter and food and really strokes the negative self-worth they feel and makes them feel they're good again, that they're worth something.

Then they go to a place where, "Gee, why don't you try something, you'll feel better." They say that's how they get hooked in, so to speak, no pun intended. They get on to some of the drugs, they get used to hearing the really nice things, they get new clothes, probably these things that they've never had. A lot of these kids have been on their own from a very early age. So they buy into it. When you look at the negative self-worth that has probably been

festered in the youth for so many years, it doesn't take much for these kids just to kind of latch on and say, "Thank God, here's someone who truly, really cares about me."

1030

Unfortunately, once they're into the drugs, soon they realize: "Gee, I've got to pay for this stuff now. There are no more freebies. I'm expected to earn my keep, pay my rent, as they say, and if I don't, then there come the threats." Of course, the negative self-worth starts again because, just as they were growing up and they heard they weren't worth anything, they will start hearing this again: "You aren't worth anything. You're here to do a job. You're here to make me money. Pay for your drugs or else." So they have to put up with the drugs as well.

Very few females that I have worked with over the years have ever spoken about this lifestyle in a positive light. There have been a few who have been very beautiful youth, who of course are younger, 16 or 17, and they're the prime choices of these pimps, and don't mind using their bodies because they get a very huge payout, and the huge payout of course is the drugs of their choice. They get to sleep in really wonderful places. They get beautiful clothes, wonderful jewellery, and because youth thinks so immediate, they don't see a couple of years down the line when they're burnt out from the drugs. It's going to reflect in how they look and in the boredom of their pimps etc. For now, they're just kind of flying high on that. But it's very, very, very few I've come across in all the years I've worked that would ever say that, possibly two or three out of so, so many girls.

Some of the girls have talked about fear of returning to the community because they have huge drug debts. When we try to offer something better, oftentimes the girls will laugh and they will say: "Okay, Patty, what are you going to offer me, \$522 a month? Where am I going to live on \$522 a month? How am I going to feed myself on \$522 a month? How am I going to clothe myself? How can I feel good about myself? Where am I going to stay, like Pearl Street? Whereas I can do a 48-hour binge and make \$1,500 to \$2,400." For them, money is a big thing. It's something they haven't had throughout their lives because of awfully impoverished conditions that they've had to grow up in.

Right now, what we're trying to do through programming is encouraging the youth about self-esteem. Self-respect is a big one. A lot of these girls feel they don't deserve self-respect because they've been told since they were two, three or four that women don't deserve self-respect. They've heard it enough that they honestly believe this. So it's one of the challenges in working with youth like this.

The other part is that, in settling the debts upon leaving, they stay so they have to continue to buy into this whole drug deal as a way of dissociating. How else can you do this without totally dissociating from the act itself? Oftentimes the girls in the sex trade are saying it reminds them so much of a power struggle as children, when they've been sexually abused, that they have to find a way

to dissociate in order to get through it, get their money and then get the heck out. And that's how they keep this buying in, back to the drugs and having to pay for it and having to sell themselves to do that.

Most of our girls that I've worked with want a safe place, when you're looking at a place upon release. They want a safe place. They want a place where they're not constantly under the thumb of a male figure. They want a chance for education. Mr Craig said earlier he loses sight of a lot of these youth, and that's right, because they usually come to us. We have an in-house secondary school where they have access to education, and you can see the boost in their self-esteem. These kids all of a sudden are being able to take courses, they're getting credits. You can see that they're feeling a lot better about themselves while they're in. But when they go out they're saying, "Well, great, now I'm going back to where I came from," so the cycle will start again, because a lot hasn't changed on the outside. Our services have been slashed. Where is our safety net? There are only so many people out there to help and so many kids. They're saying: "I have to wait three months for something? Where am I supposed to go?"

They need someone who will listen, who will not judge. A lot of the girls are saying: "I don't need to sit there and listen to the lecture. I just need someone I can tell my story to, and if I have to tell it 20 times for the self-repulsion to lower a little bit on the scale, then that's what I need." They need medical care without constantly being in fear of being tracked. They want food. They want the freedom to make choices. All in all, they want to feel better about themselves.

The scary thing for some of the girls, when you're looking at a 16- or 17-year-old who has been working the streets since 11, 12 or 13, is that they talk with some of the women who are old, and these women who are old are like 19 and 20, and they see what they look like and the fear is, "My God, am I going to look like that in two years, in three years?" Then the denial will come and say, "No, not me," but the little voice in the subconscious will always say, "Yes, two or three years down the road, this could be you, if you're alive."

Cecil Facer is working with the community in different ways. We're part of the advisory committee, the Unhooked committee, here in Sudbury that's looking at setting up a program for the youth involved in prostitution, setting up day programs. Many of the community services are involved. Because there are such limited resources and limited manpower, we have to come together and look at this vision and make it happen.

Cecil Facer often does guest speaking. We go to area schools. Elementary schools aren't too keen to hear the message, especially the Catholic sector; they aren't keen to hear the realities of what's happening out there. But the high schools certainly have been open to guest speakers, looking at the realities of what's happening, the escort services that are happening right in the high schools, that many of the girls that I work with are saying may happen. Should we get a lot of programs off the ground looking at prostitution? They're saying that you're just going to get a

lot more underground services and then you might not see the girls.

To me, the support for Bill 18 is really clear in this community, with the coming together of so many community services. The big vision is certainly a necessary vision if we're to protect the kids. These children are our community's future and these youths have stated that they want to be part of the future, they want to be free from the fear, free from further abuse, and to have the freedom to be able to feel good enough to make positive choices in their lives. They want to be free from the fear of being picked up by authority figures and brought to justice, when really what they're trying to do is feed themselves.

If there were no demand, they say there would be no supply. Some of the girls laugh at this and say: "The very people using the services are the ones that are arresting us. How do we cope with that? How do we answer to that? We don't have very much control." That's hopefully going to be the vision of this Unhooked committee, to look at that and to see what we can do as far as the public ed goes.

On behalf of Cecil Facer, the staff and the residents — they know I'm here this morning — they are very supportive of this bill and of Mr Bartolucci's vision to see this through to the third reading. Certainly the youth gives a thumbs-up to you and to your efforts and the efforts of your team and to the community services that have come together to see this happen.

I would like to thank you. I would like to thank you all for listening. If you have any questions, please feel free.

The Chair: We have one minute per caucus. Ms Martel for the NDP.

Ms Martel: Thank you for coming today. When the girls leave your custody, where do they go now in this community and what can they anticipate in terms of service?

1040

Ms Taylor: Sudbury is fortunate. We do have quite a few services, if you're looking at the women's centres and the shelters, Geneva House, the sexual assault crisis centres, E. Fry play a big part in servicing women in conflict with the law. We're very fortunate.

Our fear is when we have youth from outlying northern regions like Timmins etc. For example, Timmins has a Salvation Army and they don't have crisis housing for youth. When I call the Salvation Army and say, "Please help. I have a female going back to the community. She has worked the streets. She doesn't want to continue this," this poor man says the same thing: "Patty, keep her in Sudbury. Don't send her back." But even in Sudbury, if you're looking at affordable housing for the girls — and often these girls are on their own. They don't have family any more, they don't have the support of the child welfare agencies because of the age. They're looking at living in some of the really poor housing.

Mr Jim Brown: Good morning. I just have clarification on one point you made. You said that the girls said that the people who are arresting them are using their services.

Ms Taylor: Yes, that's what they have said. They don't say those are the only people who are —

Mr Jim Brown: But the people who are arresting them would be the police.

Ms Taylor: That's what they're inferring.

Mr Jim Brown: They're saying that the police are using their services?

Ms Taylor: They have said that, yes. In all honesty, that the police are — that's from the girls. I can't tell you that is an honest truth. That's what they have said, yes, along with a lot of other employees as well.

Mr Bartolucci: Patty, in the one minute that you have, tell the committee the emotional reaction when Sheldon Kennedy, who was emotionally and sexually abused by his coach, came to your centre. Very quickly, because you don't have the time. It was a beautiful moment in time. Tell them about it.

Ms Taylor: It was. Sheldon Kennedy is the NHL player who rollerblades across Canada to raise funds for Anaphe Ranch. He came to Cecil Facer, told his story to the youth. You could have heard a pin drop. There wasn't a dry eye in the place. Afterwards we had to do a lot of counselling because of the triggering effect. But it also left the youth with a very strong message that: "I don't have to put up with this situation forever. I can come forward, I can speak, but I need to know who to speak to. I need to know who to feel safe with."

Mr Bartolucci: And there is hope.

Ms Taylor: There is hope.

The Chair: Thank you very much, Ms Taylor, for your graphic account. It was a presentation worth waiting for.

JOHN HOWARD SOCIETY OF SUDBURY

The Chair: May I call on the John Howard Society of Sudbury, John Rimore, executive director, and Robin Doner, program supervisor. Glad to have you here this morning.

Mr John Rimore: Members of the standing committee on social development, I am John Rimore, executive director of the John Howard Society of Sudbury, and with me is Robin Doner, supervisor of the young offender programs at our organization. I would like to begin by thanking you for allowing us to address you on this most important and pressing issue.

Over and over again, people in our province and community complain about the high prices for food, gasoline or entertainment. They complain about income taxes, PSTs and GSTs. When was the last time we heard people openly complain about the prices prostitutes charge? When was the last time you heard someone complain that the teenage prostitute they slept with the night before charged too much? Why do our governments make such big issues of high taxes, high bank charges and the like and only after the introduction of Bill 18 have they mentioned in any political setting the problem we have in our province with teenagers being exploited by adults who desire young prostitutes?

Some people will readily complain about the cost of taxes but will hide the fact that they buy the services of teenage prostitutes. They keep it in the dark, hoping no one will find out, exploiting young women and men. It has been kept in the dark in our communities because it is an issue that most of us don't know how to handle.

Bill 18, which was introduced by our local representative to the provincial Legislature, Mr Rick Bartolucci, is a good start at removing this veil of darkness that now covers teenage prostitution. It is the first ray of light from our elected officials that we have seen in a long time that is truly meant to assist children who find themselves involved in prostitution. We would like to highlight three aspects of Bill 18 in our address.

First, our work as a John Howard Society includes working with teenage offenders, some of whom openly admit to supporting themselves through the avails of prostitution. The money, independence, glamour and freedom seduce the young women who come through our doors. It becomes difficult at the best of times to deal with their offence when the real problem is the seduction of prostitution that they are trapped in. And what do we do when that seduction is so great? Frankly, very little. The children are not listening. The best and most tried and true action is to remove them completely from the situation. This is why Bill 18 will make a difference. It gives the police and other authorities the wherewithal to take that action. Sections 2 through 9, which speak of warrants to apprehend, responsibilities of the child protection worker and introduction of protective safe houses, address this seduction. It gives the right people the jurisdiction to protect children from prostitution.

Second, our work also shows us that you cannot simply remove a person from a bad situation without doing something to change the situation.

Section 10 of the Act states: "The minister may establish programs that in the opinion of the minister are necessary to assist children in ending their involvement in prostitution."

We believe that section 10 of the act is the most important and demands immediate action by our government as soon as the bill is enacted. We would like to see the word "may" changed to "must" in section 10, as we know there can be no choice in this area. Without programs that are available or funded, no warrant, removal or protective house will reach the potential for which it is intended.

Let us set the record straight on this point. The children are victims, not criminals. All too often they can be charged and go to court. Once they are in court, all of the problems associated with the dispensation of true justice come into play. There are problems such as overcrowding of the court dockets, duty counsels not having the time needed to investigate the real problems the teenager has, ongoing remands. Then the young woman, who is really a victim, ends up being criminalized. We cannot allow this to occur.

The provincial crime commission in effect introduced a private member's bill, Bill 52, that will exacerbate the

above situation. It would see these young women charged and in court instead of in necessary programs that will address self-esteem, confidence and life skills. Because of such pejorative and retributive attitudes, section 10 of Mr Bartolucci's bill cannot be an option for the government; it must be a prime mandate.

Ms Robin Doner: Third, we have heard, mentioned, read etc the reasons why crime occurs. We know that poverty, unemployment, substance abuse are high indicators but recently new research, findings and practical work have given us three main reasons why youth become in conflict with the law. These are, interestingly enough, lack of supervision of the youth, lack of affection for the youth through families or caring communities, and no support system such as family, school or the like.

The very things that are common to youth in conflict with the law are the very things youth need to have to positively grow and mature. And what do the pimps give and promise to these teenagers? The very things they need: supervision, affection and a support network. We all know that it is not a positive supervision, affection or support network, but it is still those three main and dominant factors that are so important to youth.

What Bill 18 essentially does is offer supervision, caring communities and a support system to teenage prostitutes in a positive manner. Bill 18 offers supervision through the involvement of protection workers and safe houses. It offers caring through the responsibilities of the child protection worker outlined in section 7. It offers a support system through section 10.

Bill 18 can and will work because it is addressing the main factors which are the highest indicators of what youth need most in their lives to be positive and productive members of our communities.

In conclusion, contrary to public opinion, an ostrich does not bury its head in the sand when confronted with a problem. An ostrich actually uses its speed and agility to run away. Bill 18 stops the running and we can stop behaving like ostriches. It is time we faced this problem head on and adopted a goal of total eradication of child prostitution. Bill 18 may not eradicate all child prostitution but its passage will ensure that we deal with the problem. Then at least we can start reaching the goal of eliminating child prostitution.

1050

Mr Jim Brown: On a point of order, Madam Chair: In the presentation, I'm speaking on behalf of the Ontario Crime Control Commission and the provincial crime commission has not introduced any bills, let alone Bill 52, whatever that bill is.

Mr Rimore: I apologize for that, Mr Brown.

The Chair: We have approximately three minutes per caucus. We begin with the Conservatives.

Mr Chudleigh: Thank you very much for your presentation. I was wondering, in your experience, is there any commonality in the pimping business. We heard earlier that it involved some biker gangs. Is that a dominant area of it? Is there any commonality in that area? It doesn't matter who answers the question.

Mr Rimore: There is a commonality in the problem. The commonality is that the pimps offer something to the young teenagers, the young women, that no one else is offering to them. It's not just the money or the fame or the glory. What they're offering to them is something they don't have in their lives that they need.

Mr Chudleigh: I understand that. Are they biker gangs that dominate this business?

Mr Rimore: In our experience, no, it's not any one group that dominates the youth we deal with, the young offenders we dealt with.

Mrs Lillian Ross (Hamilton West): Thank you for your presentation. Most of what we hear is about children being involved in prostitution on the streets. I'm wondering if you have any awareness of whether that includes other sexual trades such as massage parlours, strip clubs and escort services.

Ms Doner: The youths we work with at the John Howard Society in the young offender program are 12 to 15. We would say that mostly they are street workers as opposed to going into — we won't call them businesses — other avenues.

Mrs Ross: One of the comments we heard from the previous presenter was that the elementary schools were not really as agreeable or as acceptable to having speakers come in to speak about this issue as were the secondary schools. My perception of what I'm hearing is that in fact it would be better to have it at the elementary level. I understand the concern of parents not wanting to talk about this issue with their children, but there are some children — if they're getting involved at the ages of 11 and 12, wouldn't you feel that you need to get in there early to prevent this from happening?

Ms Doner: For the youth we're looking at who enter into this area, I don't know if you'd necessarily want to go into — if you're looking at 11, of course, you'd be looking at youths who are in grade 6 and grade 5. I don't know if going in and speaking with them would be all that beneficial because I think you'd be dealing with a very small number of youths who would be in that age category.

Rather, the same youths who are going on to prostitution are already being seen in other services, because there is a need, whether it's the children's aid society or whatnot. I think we could probably target these youths in other areas, as opposed to grade school — grade 6 and under. Obviously, grade 7 and grade 8 are a different story. But for grade 6, those same youths we're looking at could probably be targeted through the guidance office within the school or through other agencies that the family or that youth may be dealing with.

Mr Gerretsen: I'm very much interested in the programs you talked about, the necessity for programs. If this is going to work at all, then obviously the government has to put some resources into it. It's one thing to put a child who has been involved in this kind of lifestyle in a safe house and provide the basic necessities and medical necessities for a short period of time, or even a longer period of time, but what happens then? What kind of

programs do you have in mind? Can you give us any idea what these programs would entail?

Mr Rimore: At first, in a lot of the programs we've dealt with that have had success through our work at the John Howard Society, and it's been mentioned before by all the other speakers, programs that will work with these young people, essentially many of them are not going to return to what we would call a normal family structure. They're not necessarily going to return to live with mom and dad with the picket fence. They need programs that are going to give them the wherewithal, the support within themselves to teach them about self-esteem, to teach them about confidence, to give them the ability to choose the people they want to teach them.

All too often, we as adults come into a program and say, "This is what you're going to learn and this is who's doing it." Our success has been in working with young folk, young teenagers, older adolescents, and saying: "These are the kinds of programs that everybody says are important. What do you need in your life right now?" Give them the ability to gather in a place on a regular basis, to choose the people they respect and trust in the community to teach, and then the youth will start learning. Then the most important programs of all, which I think have also been alluded to earlier, are that people who have been in those situations, who have succeeded, teach the others. It can't necessarily be pedagogical adults teaching the youth but people who have been there. The peer group kind of programming is most important.

Mr Bartolucci: A very quick question, John and Robin: It is imperative then that not only is there education attached to the component, but there must be education within the school system, at the elementary and secondary school levels as well. Are you in agreement with that?

Mr Rimore: Yes, I am, very much, but it's a kind of education that unfortunately we tend to do once and then we think it's over. We see that in our drug and alcohol education programs in the schools over and over again. We do it in grade 7 or 8 or 9, and then we think we've done it. Then we wonder why the youths in grade 10 or 11 are using drugs and alcohol abusively. It is something that has to be an ongoing, repetitive education program, not just education about prostitutes and saying no to pimps, but an education program in our schools that starts targeting the very things that cause prostitution, giving our school teachers the ability to be supportive, caring people in the community.

Ms Martel: Thank you, John and Robin, for coming today. Tell me about the programming that you try and direct kids into when they come to work with you. How much in-house counselling do you provide, and does it go beyond drugs and alcohol, or are you brokering those services in the community?

Ms Doner: We don't provide any real long-term counselling with the youths. The programs we offer are mostly short-term; they're mandated programs. The counselling that is required — and we have seen an increase in the number of youths who require some long-

term counselling — is sent out to other agencies in the community that offer that service.

Ms Martel: Do you know if there's a waiting list for those services?

Ms Doner: Yes, there is. There's a tremendous waiting list that we have seen grow considerably in the last year. They are now taking only those very severe youths who are the youths we're talking about right now. The youths who haven't reached that plateau yet have to wait, so actually instead of preventing the problem we're just kind of — and then when it does become that big problem they're able to get that service, but in many cases a lot has happened in that time and the child may not wish to go back to where they were.

Ms Martel: I'll bet that in terms of looking at northeastern Ontario, Sudbury's probably doing relatively well in comparison to those other communities where you wouldn't even have the service, never mind a waiting list.

Ms Doner: I would imagine that in the smaller communities that would be exactly the problem.

Ms Martel: In terms of getting at child prostitution, not only do we need really serious programming around that issue, but until we deal very seriously as a community with funding for drug and alcohol, we're not ever going to get at the root of some of this problem.

Mr Rimore: Briefly, it's even deeper than that. I have worked in small communities throughout northern Ontario as far as Moosonee and Moose Factory, and the bottom line for us, over and over again, is that it's not just a program but it's the fact of trained workers. We hear workers over and over again, even in our community, saying: "We're not trained. We don't know how to deal with those problems." In small communities, you have hardly any workers to deal with and you can't train them for everything under the sun.

In addition to your point, Ms Martel, the whole problem with that issue is that the programs have to be something the youth can relate to. The 12-year-old who may be not quite addicted to drugs, who's just starting, doesn't think they have a problem, but they can at least understand that they may have a problem or an understanding that no one thinks about them, no one supports them, there's no one there to supervise. Those are the things they're looking at and that's where I think a lot of our funding has to be at.

The Chair: Mr Rimore, Ms Doner, thanks very much for being here and giving us the perspective of the John Howard Society. It's greatly appreciated.

Before I call the next presenters to the table, I want to address the audience and in particular members of the media. Please understand that some of the people who will come before us show tremendous courage to be able to give their evidence, their first-hand experience of what child prostitution means. For that reason, it's extremely important to protect their privacy. I would ask you not to take any pictures or to film any shots on occasions when I may ask you to do that.

MALLORY

The Chair: With that in mind, I'd like to call Mallory to the front. Mallory, thank you very much. We're very grateful to have you here. You have 20 minutes to speak to us in your own words about your experience. If there is any time remaining, the committee may ask you some questions.

Mallory: I didn't prepare a speech. I don't have a lot of education, but I came here for those kids. There were 12-year-olds, when I used to work that corner, standing on that corner. It's sad, it really is. It's really sad having to be a cocaine addict. I've got tracks, man. I was nuts. Those girls have nothing. They don't have dads; they don't have moms. They don't care any more. They feel probably much like I did, like I'm a loser, I'm a bottom-feeder. I'm not good in school. I'm good at making money and I'm good at doing drugs. That's what I'm good at.

Cocaine is killing the children. That's what it is. There are little 15-year-olds who are cocaine addicts downtown, sticking needles in their arms, selling their bodies for cocaine. I've seen it. I was there. I'm telling you. I was there one night when there was a 14-year-old girl getting killed in front of me. I was paid off not to say anything, you know? It's sad when you will take cocaine over somebody else's life. It's sad when you have to stand on a corner, sometimes at 7 in the morning, because you're jonesing, nobody loves you — at least you think that — and that's really what your life's about. Your life's about fighting, men and money. Oh, and don't forget the drugs, because that all goes hand in hand.

But who cares, right? They're just kids. No, they've got to be taken care of. This is sad. These are little girls who are having grown men who have money and cocaine take over their lives, making them feel wanted. Those are idiots. Those aren't nice people, man. I've seen what those guys do to those young girls. They have sex with them. They do some pretty disgusting things. They make them feel dirty. They make them grow up before their time. It's an arrested development for those girls. I am arrested in a lot of ways. I never grew up the way a normal kid should, having little boyfriends. I had a 27-year-old boyfriend when I was 16. I was bad. I've been a cocaine addict since I was basically 15 years old, prostituting since I was 15. I'm going to be 19. I've seen a lot.

Those girls are good people. Those young girls, some of them are the nicest girls, beautiful. They could do so much. But some of them haven't had silver spoons put in their mouths. Some of them don't have a good family. I'm not saying that everybody who has come from a home that's bad should grow up and turn out like that, because not all of us here grew up with spoons that were silver in our mouths. We grew up in the family we got. But some people just can't deal with that so they turn to drugs and prostitution and big daddies that'll take care of them. But you know what? They don't. Because when you don't make that money any more, you're no good. You're spit on. Those little girls are used and then they're spit on.

Your kids walk the same streets that I've probably walked, and I used to sell my butt on that corner. Your kids walk those streets. It doesn't matter if they're doing it; they're seeing it. It's sick to drive by and see a junkie, a beautiful girl who's just got a cocaine or heroin problem standing on the corner, having no choice because she really feels she's got nothing left, you know? Get your hit and leave. Do you think those girls feel good about themselves, what they're doing? They've got to be high to do it. They don't feel good. I didn't feel good.

I look at my arms and I wish these weren't there. I've got the most messed-up relationship with a man that I love, because I'm messed. I've got a sexual problem of some nature. I don't know what it is. I don't mean to tell you all my personal diarrhea, but it's the truth. I'm messed in the head.

All these girls are going to be messed in the head. They're being raped by pedophiles. That's what those men are: They are pedophiles. They are sick people who need expensive, extensive mental help, because they're taking young girls and they're doing what they want with them. When you get in that car, you don't know if you're getting back out. Us older girls — man, I knew what I was doing. Those younger girls are naive, they're stupid, they're not using condoms and I'm going like this. I'm getting freaked out. I can't go downtown for the simple reason that my sobriety depends on it that I don't step downtown. Maybe I have to leave town. Maybe I've got to get away. But you know what? I will not sell myself short any more. I will not become a junkie for anybody. I will not sell my body for anybody.

Those girls, they're selling their bodies and it isn't fair. You've got to help them out. That's all I'm saying. They really need to be helped. They're asking you. They're never going to be cool; they're never going to be able to go to school. These kids aren't going to ever develop. They're never going to be like you guys — citizens. They're never going to be that. They'll always be like that.

That's really all I have to say.

The Chair: It seems a little anticlimactic to go back to the prosaic business of asking questions. Yours was very moving testimony. We have about three minutes per caucus. We begin with Mr Bartolucci of the Liberals.

Mr Bartolucci: Thanks, Mallory, for a very compelling discussion, a very good presentation and, probably most important, a very real presentation. Mallory, you met with your dad, Pat and myself in my office. You might want to tell the committee what you told me you told a young child.

Mallory: Oh, yeah. I was on the street and it was, like, 4 in the morning and this little girl comes up to me. She was saying something like, "You don't mind me standing here," and I told her: "I've got to make money. Go." It's 4 in the morning. I'm not going to get picked up. They want the young girl. I'm pretty; I know I am. I look bad today — sorry — but I'm pretty, and they'd rather take the 12-year-old over me. That's sad. They go up to my friends,

they'll drive up to me, "You got anybody younger?" That's crazy. It's not right, man.

Mr Bartolucci: So what you did was shoo her away from your corner.

Mallory: I got rid of her, yeah.

Mr Bartolucci: Just a second short question: Not all of us are born with silver spoons in our mouth. You made that point very clearly. You come from a very loving family. Is that a safe assumption?

Mallory: Oh, yeah.

Mr Bartolucci: You have very supportive and caring parents.

Mallory: I don't know what went wrong, you know?

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Ms Martel: I think, Mallory, one of the most amazing things to me that you said, which probably says the kind of individual you are, was that you came here in defence of what you called younger kids. You're only 19.

Mallory: I never grew up like a normal kid so I just consider myself an adult.

Ms Martel: You took the time and you had the courage to come and defend some others. I would say in terms of where we fit you're right in that category of someone who needs to be protected and defended too. So I'm quite astounded by your courage to do that. Tell me, you're looking at a group of folks who have some ability to do something. Given what you know and where you've come from, what would be one or two of the single most important things that we could do to ensure that we can get some of those girls off the street for good?

Mallory: What you need is a nice house. You need a nice, safe place for those kids to go. They need to go there and you need to pat them on the back, give them a hug and tell them: "You're loved, man. God loves you and you're loved." Those girls, man, they've got nothing. It's really sad.

Ms Martel: So a safe place where they're secure, where they can be fed, where they can be looked after.

We appreciate very much you coming today. I can't imagine the courage that it took for you to do that. I for one am quite overwhelmed.

The Chair: Mallory, are you up to another question, or would you like to recess?

Mallory: I'm okay.

Mr Jim Brown: Mallory, you're one courageous person; you really are. We appreciate you coming here. Lots of kids appreciate you coming here as well.

I talked, as Mr Bartolucci did, to Cherry Kingsley, who went through much the same as you did — another courageous person. Words can't describe how I feel about what you just said. Far be it to ask a question, but what would you do with some of these people who are involved in the business — not the kids, the adults?

Mallory: I'd smack them. You get hard. It was like: "Let's fight. You're on my corner. It's mine. Go." If they don't leave, you make them leave. It's not fair.

Mr Jim Brown: But the adults are the ones who get you into this mess.

Mallory: Yes. You've got AIDS. I sit there and say, "I'd love to get married and have kids," and then I think, I might have AIDS, man. I might be dead. I'm either going to die of AIDS or somebody's going to kill me. It's not right. I've got hepatitis. I freaked when I found that out, man. These girls are in danger. What those men are doing are crimes. They're hurting little girls. How would you feel if that was your daughter? It would kill you. Something's got to stop.

Mr Jim Brown: I have a 17-year-old daughter and I'm thankful that — I think what some of the adults do is just awful. I thank you for showing courage and bravery today.

The Chair: Mallory, I think everybody here believes you're one of the bravest people we know. Your testimony today was not only compelling but inspirational. We all feel that we owe a great debt to you for coming forward. Thank you very much.

Mallory: You're welcome. I can leave?

The Chair: You may indeed. By the way, you look terrific today.

ALAN

The Chair: Again, a caution to the media and the public not to take pictures during the next testimony. I'd like to call Alan to the front. Thank you too for coming forward. I know how difficult this is for you, and we truly appreciate your presence here today. As you know, you've heard, you have 20 minutes to make your presentation.

Alan: I won't take quite that long, but I have this written out. I didn't commit it to memory, so I'd like to read it to you.

I'd like to thank Rick Bartolucci for his sensitivity and foresight in recognizing a growing and insidious problem in probably all North American cities of any size. I'm grateful to the members of our provincial Parliament for passing Bill 18 on second reading and sending it before the standing committee on social development for further study and distillation. I thank the committee members who have travelled to Sudbury to hear the presentations of my fellow citizens regarding the protection of the most vulnerable members of our society, our children.

My purpose in coming before you today is to share with you my family's struggle to deal with a bright, spirited, much-loved daughter who fell through the growing cracks in her social fabric into a shadowy world we scarcely knew existed within a few blocks of our home.

First I'd like to sketch out for you the background, the canvas on which subsequently has been painted the dark and troubling picture of a young life descending into chaos and self-destruction.

Four years ago, my daughter graduated from grade 8 as a thoughtful, precocious child. The surprise and joy on her face as she accepted her award for achievement in history is still etched in my memory. She was an avid reader who would devour a book in a few short days. She hoped to become a parole officer. During her weekly equestrian lessons at a local riding academy, the concentration, strength and determination I could see in her clear eyes

filled me with pride and there was a sense that all was right with the world, and her future stretched out before her, wide open and full of promise.

That all seems so long ago, and those visions are now only seen as if through a glass, darkly. In the fall of 1994, near the end of my daughter's first term in high school, it was suggested to me by her vice-principal that she wasn't settling in or adjusting well to high school. Otherwise, there was no hint as to what lay in store for us. Early in the following school year, that being in October or November of 1995, school officials called on several occasions to voice concern over her somewhat erratic behaviour. She was just about to turn 16 years of age. Her guidance counsellor suggested that a psychological assessment be conducted as soon as possible. A local pediatrician was recommended. The doctor who administered the tests determined that, among other things, he found that she was a very eccentric thinker who was exhibiting the classic signs of a florid bipolar mood disorder.

In the spring of 1996 she was sent to the Sudbury Algoma psychiatric hospital for more in-depth testing and assessment over a period of about two and a half weeks. She was prescribed medication for what was deemed a complex psychological disorder and would be followed up accordingly.

Near the end of her grade 10 year, in May 1996, she developed a friendship with another student at her school, a girl who, for psychological reasons of her own, was not living at home. During this time she was becoming more difficult at home and frequently acted out in such a manner as to require a disciplinary response. When her challenging behaviour escalated as spring turned to summer, in anger, I told her that if she couldn't respect the rules of our home, she could leave. At times a parent may speak harshly to their child to shock them into realizing the consequences of their actions. But what I didn't understand at the time was that a manic-depressive is generally unconcerned with the consequences of their actions.

She did leave that evening, and when she didn't return by her 12:30 curfew I went to her friend's place and forced her to come home, hoping that in the light of the following morning she would come to her senses and become the radiant and compliant child she had once been. Needless to say, I wouldn't be here today if that was the case.

The next day she informed me that she knew her rights, that she was 16 years old and didn't have to obey our rules any more, that she didn't have to do anything she didn't want to and that we had no right to impose any control on her. She was leaving home and could collect social assistance when she turned 17.

That summer of 1996 was just the beginning of our nightmare. By August her behaviour had deteriorated to the point where I felt that for her own protection she should be kept in a secure environment until, with medication and counselling, her condition could be stabilized. Together with her girlfriend, she had gotten heavily into street drugs and alcohol, neglected to use her prescribed medication and began hanging out with a much older group of friends.

Of course, during that time my wife and I sought out the wisdom and guidance of every available source known to us: the child and family centre, the children's aid society, her care team at the Sudbury Algoma Hospital, the police, the Pinegate Addiction Centre, Foyer Notre Dame, family and friends etc. But without her compliance, because she was 16, there was nothing to be done, short of obtaining an order with a justice of the peace through the Canada mental health act, to hold her for observation if she was deemed to be a danger to herself or others. It seemed like the only avenue left to us. But when I approached the acting justice, and after fully describing the situation to him, he told me to go home, prepare a written deposition describing the problem and return before 9 am the next day.

It was obvious he was in a hurry. After having found the resolve to even contemplate what seemed to me to be a drastic step, he chose to discourage this action, saying that under the law her behaviour would seem to be a lifestyle choice and that even if the warrant were granted, they could only hold her for 72 hours. I did not return the next day.

At 3 o'clock in the morning of the following day, I received a phone call from one of her friends stating that she didn't know what to do — she wasn't my daughter's parent — and that I should call a certain number because my daughter was in some kind of difficulty. I made the call, and the person who answered was obviously in distress and begged me to come and rescue him from my daughter, who was out of control, raving and crying in the background. It seems that the alcohol which this adult male university student had been plying my daughter with had blown up in his face. As she was uncontrollable when we arrived, the police were called and she was taken into custody under the aforementioned powers of the Canada mental health act. She was taken to a hospital emergency department where she was treated for alcohol poisoning, and transferred to the children's ward at the Sudbury Algoma Hospital the next day, where she stayed for approximately three weeks.

In September 1996 she tried to return to high school, but it quickly became apparent to all concerned that it wouldn't work, and she was withdrawn before her fall term was complete.

Up to this point she had never even had a steady boyfriend. But by November 1996 she had met a 25-year-old, well known to local law enforcement, who had recently been released from custody. Her growing attraction to the seamier side of our city was leading her further and further from her family and the dreams she once held. Then, within a few weeks, her new boyfriend had been arrested again for assault and we all let out a sigh of relief. But it was to be a short-lived reprieve. In early 1997 she was placed in the Ruth MacMillan Centre, a special-needs school on the grounds of the Sudbury Algoma Hospital. She carried on a correspondence with her boyfriend in jail during those months, and we were left to anticipate what might be in store for us and her on his release in August.

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In the meantime, through the spring of 1997, her condition seemed to stabilize somewhat, but in hindsight it's apparent that she was becoming more immersed in the dark side of our city. In late spring of last year we received a phone call from an acquaintance telling us that he had seen her outside a sleazy local downtown bar. She was 17 at that time.

My wife and I quickly drove over to see what he meant. Although her behaviour had presented us with many challenges up to that point, nothing could prepare us for what was to come. When she saw us coming, she bolted down a back laneway. We followed and convinced her to get into the vehicle. We asked her what she was doing there, and to come home with us. She jumped out of the van and we lost her again. I drove back to the bar, where I was told by the bartender there that he was sure she was turning tricks. I was stunned. I told him she was only 17, with a mental health problem, and he assured me that she would not be served alcohol again if she returned.

I then surreptitiously watched the area, and when she returned about 15 minutes later and began to seemingly solicit cars as they stopped beside the hotel, I drove to the police station about three blocks away and explained the situation to the desk sergeant. He told me there was very little, if anything, they could do and that in any event they were short-staffed.

Since that time, the summer of 1997, my daughter has become a chronic intravenous drug user. Though cocaine is her drug of preference, she'll ingest or inject any drug that is available, with the notable exception being her prescribed medication. To support her habit she engages in prostitution. It's just too easy for her to do that.

Although there has been a recent effort by local officials to control the sex trade and drug traffic in our city, there are still young girls of an indeterminate age openly plying their trade so they can purchase drugs — all happening less than one block from Mr Bartolucci's constituency office.

I know that there are many other issues involved in our particular problem that may not seem to fit nicely into the parameters of the bill proposed by Mr Bartolucci. The mental health aspect and the civil rights of our citizens must be protected. But it seems to me that the Young Offenders Act, for example, does not deem a person to be completely responsible for their actions until the age of 18. I assume that is because in the wisdom of the legislators who drafted that law, it was judged that at 17 years of age or younger, a person had not matured sufficiently to appreciate the consequences of their actions.

About two months ago I read with interest an article in the Toronto Star which shed light on the sexual exploitation of children in Third World countries by tourists from North America and Europe. The international community has passed legislation designed to prohibit and punish strongly those who engage in this practice. I think it's about time the police and citizens of our own country were given the tools they need to help protect our children from

those predators who would exploit their vulnerability and innocence for their own selfish ends. Thank you.

The Chair: Thank you very much, sir. We have a limited time for questions if you're up to some.

Alan: It's all right.

The Chair: We have two minutes per caucus. Ms Martel for the NDP.

Ms Martel: Thank you, Alan, for making this presentation to us today. Obviously, you're here in support of Mr Bartolucci's bill. Tell me, as you look at your own experience, the provisions in the bill that would have helped your daughter or will help others of the young women she talked to. I'm looking specifically at (a) the apprehension, but (b) in terms of programming that obviously we need in this community. How might that have helped her if all those things had been available, and what is the extent of the support that we're going to need to help her and others like her?

Alan: First of all, there seems to be no tool which would immediately come to the rescue of a person in this kind of situation or to help a parent who is looking in all directions for some sort of help to do something. I just found myself in dead ends everywhere I turned. There were all the platitudes and saying the right things, but it just came down to that what I had to finally resort to was attempting to obtain a warrant under the Canada mental health act. It was awkward and there seemed to be some confusion on the part of the officials and the police, and I have heard many different ways that act is implemented. It just didn't seem to go anywhere.

My reaction when I went to speak to him was that it was just another runaround. As I said in my presentation, things took care of themselves within 72 hours anyway, and she was put into custody by an understanding officer who seemed to have more of an understanding of the situation than the justice of the peace who had attended to me at that time.

As far as programs go, I really don't have an awful lot of insight into what needs to be done in that way. What Mallory was saying previously makes an awful lot of sense. We didn't arrive early enough to hear what transpired before we came. What she said is that they need a place to go. They need to see that there is some alternative. They all come from different situations, I'm sure, and they need something concrete that they can hold on to. I don't think it works immediately, but at least they know there is something there for them to go back to as they grow and have bad experiences on the street. If it's not too late for them, at least there's somewhere they know they can turn.

Mr Jim Brown: Sir, good morning. You are also a very brave and courageous man. The crime commission has been around Ontario, probably done 35 or 40 forums, and one of the recurring themes is the great deal of frustration that parents have with some of the laws of the land that don't allow them to really look after their own kids. I hear it over and over again. Parents are saying, "Look, let's go back to the way it was when I had some control over my kids, when I had some power, when I

could look after my kids the way a family can." I sensed in your presentation a certain amount of frustration in your lack of ability to deal with your own family, and maybe you could elaborate on that.

Alan: We saw her spiralling out of control. I had just assumed that there must be some avenue that we could explore or some resource we could access that would give us the power to step in. I just found that — you know, she said, "I'm 16, and you can't control me anymore."

Mr Jim Brown: That's right, and some of the 14-year-olds and 12-year-olds are saying that. They go out and get their own medical treatment, their own drugs, whatever. I've found that the kids will go out and they'll get Ritalin and they'll get hyped up on Ritalin, or they'll sell Ritalin. Anything goes, and the parents are sitting there saying, "I know what's good for the kid, but I just don't have the power any more to do anything about it." The police know that too. I sense a great deal of that, that you would have liked to have taken charge of the situation but couldn't.

Alan: It was a learning experience, that's for sure, as we went along, and there was just no avenue for us. If a child is 16 and under, there are avenues that can be taken, they can be apprehended or whatever, but —

Mr Jim Brown: Well, even then it's limited.

Alan: I'm not familiar with that, because she had passed that age by the time she got there, and she said she knew her rights, and we didn't know where to turn.

Mr Jim Brown: What would you do with the adults —

The Chair: Thank you. Mr Bartolucci for the Liberals.

Mr Bartolucci: I'll follow up on what would probably have been Mr Brown's next question, because I think it's an important one. It's interesting that in your presentation, Alan, you say she was taken into custody under the adult and child mental health act, yet placed in a children's ward at the hospital. If that isn't telling us — this is a child. At 16 years of age, did you consider your daughter to be an adult?

Alan: It seemed and still seems like only yesterday — that was part of the purpose of how I wrote my presentation. It seems like only yesterday that she was a child in grade 8, innocent and bright-eyed and with the whole world before her.

Mr Bartolucci: Alan, some of the members of the social development committee have asked me, is this the Alan who approached me at Christmastime? Yes, this is the Alan, the father of Mallory, both very, very courageous.

You know we've discussed this before. A bone of contention with this legislation is the increase in age from 16 to 18. Your presentation certainly speaks volumes for what you believe, but maybe you can let the committee know. Do you believe that 16- and 17-year-olds should be included in Bill 18 legislation?

Alan: Up to 18 definitely should be included in the legislation. In the complex world we live in today, there's so much more for them to learn that they are not truly formed even much older than that. Up to 18, if you had to pick an age, I guess, as a break-off point.

Mr Bartolucci: To leave the committee on a bright note, because our time is almost up, you might want to bring the committee up to date on how everything is going now.

Alan: It's always a struggle. It's up and down all the time. What I didn't put in my brief, because it seemed to be carrying on too long, was that finally my wife charged her with assault. It wasn't a serious assault. Basically, it appeared to be an attempt at an assault, but it was my wife's attempt to be able to get some sort of control over the situation, get her into the justice system, more than anything else, and maybe exert some control over her that way, because she was exhibiting no control.

Then, as a result of those charges, she was ordered in her probation to attend drug rehabilitation, which she did. It was only a very short program, not nearly long enough, a 26-day program at St Thomas psychiatric facility. When my wife went down and picked her up after her graduation on that Friday in May, on the way back they stopped to sleep over at the grandmother's house in Kitchener. It was a long drive to come all the way back from St Thomas to Sudbury. While they were out talking on the patio, Mallory had been inside and found a couple of bottles of liquor under the counter, drank them both, was taken to the Kitchener-Waterloo hospital, went into a coma, was in intensive care for two weeks, and we almost lost her.

At that point, all of the tough love rhetoric that we had been floating around for quite some time just went completely out the window. We just wanted her to stay alive.

Mr Bartolucci: To end off, because Mallory is shaking her head, you have other children?

Alan: I have three other children who have also been horrifically affected by the whole situation and will be scarred for it, with the confrontations and the tone of — you know, the rending of the social fabric of our family. But we still love her. They have high spirits still, but there are a lot of changes that have gone on.

The Chair: We want to thank you for being here today. I know it was not an easy thing for you to do. You can take consolation from the fact that your action and the experience of your family have resulted in legislation before this committee, and you are to be commended for that. We thank you for coming.

We're going to take a few minutes' recess. We have some teleconferencing to do. The next participant will be by telephone, and it will take us a few minutes, so we'll be back in approximately five minutes.

The committee recessed from 1134 to 1152.

ROSE

The Chair: I understand that we have our next presenter.

Clerk of the Committee (Ms Tonia Grannum): Rose, are you there?

Rose: Yes.

The Chair: Rose, I am Annamarie Castrilli. I'm the Chair of the social development committee. As you know, we're here to study Bill 18 in Sudbury. You have 20

minutes to make your presentation. If there is any time left over at the end of your presentation, the members of the committee will ask you some questions. I will identify each member so that you know who they are. I want to thank you in advance for being here to tell us your story.

Rose: I think that in principle the main idea of Bill 18 is excellent, it's a great idea, but there are a lot of potholes, I guess you could call them.

I guess just basically it's the young girls when a lot of the emphasis should be on the pimps and on the men actually picking up the girls. If the bill was more directed at getting the pimps off the street first, because if you had the pimps off the street, then the girls would have nothing to be afraid of — that's the main point there. They are afraid of the men that are controlling them. And it is men; there's no women really involved in the pimping process.

If you had the men gone, then the girls would be easier to obtain. You wouldn't have to go into unsafe buildings to find the girls. The girls would come to you because they'll need somewhere to go. That's a bill we'd like. The main idea is great, but there's more emphasis on the girls when the girls should be left alone, basically, right now. To get rid of the men would be the greatest idea.

The Chair: Thank you very much, Rose. We have about eight minutes for each of the caucuses to ask questions. We'll start with Jim Brown, who is a member of the Conservatives.

Mr Jim Brown: Good morning, Rose. With some of the presenters today, I've asked them the question of going after the pimps and the johns, much like what you have been saying, because they're the adults, and if you can take away the money incentive to do the business, you might dramatically reduce the activity. We have, on behalf of the crime commission, gone around Ontario and heard situations of child prostitution and have asked what people thought about our seizing the cars of johns and freezing and seizing the assets of the pimps, to take away the financial incentive of being involved in this kind of business and taking advantage of kids. What do you think of that, Rose?

Rose: That would be a very helpful idea. If you got rid of the money, then the girls would really have no attraction to it. That is the main attraction, because you have the ability to make a lot of money. If you took away the money, then the girls would — to handle, I guess.

Mr Jim Brown: One of the other things was the relationship between drug dealers and pimps. We wanted to apply the same rules of taking assets away from the drug dealers, taking the proceeds and taking them into drug rehab programs and things like that. Do you think that the drug dealers are related to the pimping and that this is a good idea also?

Rose: Yes, I do, because most of the drug dealers are the pimps. It's more or less a combined business effort I guess you could call it.

Mr Jim Brown: It's sort of integration, right?

Rose: Very much so.

Mr Jim Brown: The proceeds we could then put back into helping the kids who have been afflicted or into drug rehab programs, and everybody would benefit.

Rose: Yes, they would.

The Chair: I misspoke myself a little earlier. We have six minutes, not eight minutes, per caucus. Rose, our next questioner is Lillian Ross, also of the Conservative Party.

Mrs Ross: Hi, Rose. Thanks very much for assisting us here today. One of the comments made by a young presenter here, Mallory, was that what a lot of these young kids need is love. They need a pat on the back every now and then. To help me understand, can you tell me what your involvement is in this area. How long have you been involved? I have to assume that you're involved in either helping kids or that you yourself have been on the street. Can you help me with that?

Rose: How long have I been involved?

Mrs Ross: Yes.

Rose: I'd have to say since March of this year, and I am not involved as of the beginning of July this year.

Mrs Ross: Good for you. One of the comments, as Mr Brown has stated, is that a lot of us have heard that what you need to do, because these are children we're talking about, they are victims, is get at those adults who are abusing children and making them victims. I understand that you strongly agree there needs to be stronger enforcement against those types of individuals. Is that correct?

Rose: Oh yes, very much so. If you got rid of the pimps — not even really the johns, just the pimps, because the pimps put fear into the girls. Because they're so young, they think that these pimps will actually do cruel things to them, and they will. They start poking them with drugs and do everything else to sort of dope them into staying, because they get them addicted and then they have to stay.

The Chair: Rose, the next questioner is Rick Bartolucci of the Liberals.

Mr Bartolucci: Hi, Rose. Thanks very much for your presentation. I have two very, very brief questions and then John Gerretsen from the Liberal Party will ask some others. Certainly a part of the bill is a punitive one for johns and pimps, and you're certainly concerned with that, as you should be.

Another part of the bill is the education component of the bill and the importance of offering and creating programs for young children and for their parents, so that they can get over this hurdle and no longer be sexually abused or exploited through prostitution. Do you see these programs as being very important in this bill?

Rose: Education would be a big one, but a lot of these girls won't go home. The parents probably won't have anything to do with it. They probably won't let their parents have anything to do with them, because they feel ashamed and everything else. So for the girls the education is excellent, but before you get them into the education, they need the money first. There would have to be social assistance or something to help them get back on their feet, because a lot of them won't go home.

Mr Bartolucci: The importance then of a safe house is critical in this legislation as well?

Rose: Yes, it would be, very much so.

Mr Bartolucci: Mr Gerretsen will now ask some questions.

Mr Gerretsen: Good morning, Rose. Can you think of any other programs that could be put into place to actually help these young men and women lead a more productive life? I realize that the notion of having a safe place to go is absolutely paramount, but then after that something else has to happen. Can you think of any particular kinds of programs that we could put into place or recommend putting into place to help people change their lifestyle?

Rose: I know of one that is already put in place that I'm attending right now, and that's Elizabeth Fry. But other than that, schooling. When you go to school, you have to pay this much money to go there and this much money for the books and this much money for this. Cheaper schooling would help and something to live on, basically. As long as these girls have food in their stomachs and a roof over their heads, they will probably be willing to help themselves.

Mr Gerretsen: I suppose as well a mutual support system so that you can share your experiences, share your good experiences as well that come out of this change of lifestyle. Would you agree with that?

Rose: I'm sorry, I didn't hear most of the question.

Mr Gerretsen: I suppose that a support system, in other words, a system whereby these girls can learn from each other and learn from each other's experiences etc, would be a great help too, would it?

Rose: Yes, it would be a great help.

The Chair: Rose, the next questioner is Ms Martel of the New Democratic Party.

Ms Martel: Hi, Rose. How are you this morning? Thank you very much for agreeing to participate in the committee process. Let me begin by asking you a question which I hope doesn't sound silly, but I don't have a clear idea of what perspective you're coming from in terms of your participation this morning. I heard you say that you were involved in a program with E. Fry, so am I safe to assume that you were a victim of prostitution yourself?

Rose: I was involved in prostitution.

Ms Martel: Were you involved at an early age?

Rose: I was 16 when I started and 17 when I stopped.

Ms Martel: Did you have, along with your involvement in prostitution, either an involvement with drugs or an involvement with alcohol as well?

Rose: I was one of what you would call the lucky ones, because I don't do drugs and I'm too young to get into the bars or anything, so I had a hard time achieving an alcohol problem.

Ms Martel: The program that you are with at E. Fry, what does it consist of?

Rose: They basically help me come to terms with what I've done and they're helping me try to get assistance. They're getting me back into school. I'm going to be getting counselling and everything else. They're a great help.

Ms Martel: Am I right to assume that you yourself were able to make a conscious decision to get out of the sex trade and get help from E. Fry? Is that how it happened?

Rose: Yes. I was the one who ended it and I'm the one who's keeping me out of it.

Ms Martel: Are you an exception to the rule in the sense that are you really one person who, unlike many, many others, has been able, for whatever reason, to make a voluntary choice?

Rose: Yes. I'd have to say that I am the exception to the rule, because most of the girls who do work are drugged up and they have no choice but to stay because, "Where am I going to get my next hit from? Where am I going to get?" — you know?

Ms Martel: Right. So the idea that someone in authority, ie, in the case of this bill, a police officer, can apprehend a young person involved in the sex trade is one that has to be a focal point of this bill, because unlike you, many other people would not even be making a voluntary choice, they're not capable of making a voluntary choice?

Rose: Yes, very correct, very well said.

Ms Martel: Do you have any idea, then, although you might not have been in this position, where there are safe houses in this community? Are there safe houses in this community where police could take youngsters?

Rose: Not that I'm aware of.

Ms Martel: So in order for this bill to ever work, we need both financial resources for safe houses and we need financial resources for programming.

Rose: Yes.

Ms Martel: Otherwise, whatever new authority we give to police to apprehend people, nothing positive is going to flow from that.

Rose: Right.

Ms Martel: While I recognize you've made it also very clear that whatever we can do to deal with pimps, to take away that threat, what is also important here is that there has got to be a recognition of an allocation of financial resources to deal with safe houses, to deal with programs.

Rose: Yes.

Ms Martel: Thank you very much for helping us this morning. We certainly appreciate that you were willing to participate.

Rose: No problem.

The Chair: Rose, this is Annamarie Castrilli again. I want to thank you on behalf of the committee. You have been very brave to come, by telephone, and tell us your perspective; it's exactly the perspective we need in order to make our work worthwhile. Thank you very much.

Rose: No problem.

The Chair: Ladies and gentlemen, we are going to break for lunch at the moment. We will reconvene at 1:30 sharp.

The committee recessed from 1209 to 1335.

Mr Bartolucci: Just before we go into our 1:30 presentation from Foyer Notre Dame, earlier this morning there was a presentation given by Patty Taylor from Cecil Facer Youth Centre, and in it there was a comment she made. I think the chief has received some clarification with regard to that particular comment. If the committee deems it fit, I'm wondering if the chief could clarify the

record from the police perspective, because I believe it's everyone's hope that these hearings focus on the bill as opposed to anything else.

The Chair: Mr Bartolucci has put on the floor changing the agenda slightly to allow Chief McCauley to appear again. Any discussion on that?

Mr Jim Brown: I would support that wholeheartedly, to have the chief come back.

Ms Martel: I agree as well that we do that.

The Chair: Very well. I think we have a consensus. Chief McCauley, thanks very much for being with us again.

Mr McCauley: Thank you, Madam Chair, and thank you to the members for allowing me to take this opportunity to perhaps speak to the record on some comments that were made this morning. I understand that the statements were made by a representative of Cecil Facer institution.

The committee should be aware, first of all, that being in the position we're in, we're surrounded by controversy from day one. We're always at the front of the parade. We're no stranger to controversy, nor are we so naive as to believe that all we do is above reproach. I can tell you, though, without hesitation that at any time if anything bordering even close to these kinds of allegations was ever brought to the attention of this service, it would have been put under a microscope.

I have staff with me today: Constable Corinne Fewster, who heads up the program, and Sergeant Dwight Tuple. Could you just stand up so everybody can know who you are.

When these kinds of comments are made, definitely I imagine in an unsolicited fashion, by somebody who is purporting not to be sure if they're true or not, it puts everything in a very difficult position, trying to ensure that the credibility of what everyone is doing is sustained.

This person, I feel, has acted completely on their own. This person has worked with our committee at various times and has never spoken to any of the members of that committee, our police officers, when they have been there. I feel this is just a real red herring that has been thrown into the middle. I can assure the committee that we're going to follow this matter up completely and examine it under the microscope in every way. As well, I'm going to be dealing with the organization itself.

The way these matter should always be handled is that if there's any kind of allegation, it should be reported to authorities. These are the kinds of things we're trying to do when we develop this bill. We're trying to develop ways in which we can uncover situations where people are put at risk.

First of all, the integrity and credibility of this service stands for itself. Whenever we have had embarrassing situations, we've exposed them publicly and dealt with them in a very public fashion. For somebody to attack us in this fashion, without any evidence, to me is clearly irresponsible in all avenues. I cannot countenance for a moment or imagine how I would react if somebody came forward to me and made some allegation about a pro-

vincial institution, and I came to a public situation such as this and, without anything to support it, just simply rambled on about it.

Madam Chair, I can assure you that we're going to follow this up. I can assure you that the credibility of this service is second to none, as is the credibility of the men and women of this service who have worked very hard to provide these various levels of service that are now available to the community that would not be there without our work and our sincere devotion to what we do.

I am not only hurt by this but I am angered by it, that this would happen to us. I am embarrassed for Mr Bartolucci and the rest of the members who appear here today that this would come up in this fashion. I just want to speak on behalf of all of the men and women of the service to say that we don't deserve it, nor will we take it lying down, nor do we sweep anything under the carpet, and our record stands for itself when we talk about that.

I am thankful for an opportunity to address the committee in this way.

The Chair: Thank you very much, Chief McCauley, for taking the time to be with us again this afternoon to put that on the record.

FOYER NOTRE DAME

The Chair: Could I call upon Foyer Notre Dame, Rodney Bazinet. Welcome. Thank you very much for being here. We're delighted to have an opportunity to hear what you have to say.

Mr Rodney Bazinet: My thanks to the all-party standing committee for this opportunity to talk on and around the issues of Bill 18, the Protection of Children involved in Prostitution Act, 1998.

My name is Rodney Bazinet. I am the executive director of l'Association des jeunes de la rue inc, the association for street youth here in Sudbury. For the past four years I have operated, as divisions of this association, the Foyer Notre Dame House emergency shelter program for street youth 16 to 18 years of age, the Community Outreach Services Streetwalk counselling program, as well as the community response street program and the breakthrough crisis and counselling residential centre program. Prior to this appointment, I was employed for nine years with the Regional Children's Psychiatric Centre, a division of Network North at the Sudbury Algoma Hospital.

I am an active member of the emergency housing and shelter advisory committee to the District of Sudbury Social Services Administration Board and a steering committee member of the Community Alliance On Social Issues.

I'd like to begin with a few words about my interest in Bill 18, my support of the context of this bill and what I believe is the spirit of this new legislation.

We have an urgent need to address the inability of our current existing legislation to act in intervention, support or counselling on prostitution, nor has our existing legis-

lation resulted in any direct reduction of child prostitution in Ontario.

Ontario has always been a leader in Canada and other parts of the world in terms of its child protection legislation. The fact is that Ontario has an outstanding track record for its commitment to protecting children at risk. We've earned that record by passing effective legislation and by putting into place laws that are relevant, tough, fair and enforceable, such as the CFSAs. It has been a very strong working model in our organizations.

Protecting children at risk is one of our community's highest priorities. We believe the province's child protection legislation must be efficient, effective and workable, and we as a community must ensure that we provide the protection these children deserve.

As it stands now, our legislation has gaps in being able to intervene effectively or to provide assistance to the at-risk children who need us the most. These are the children who are locked in the grasp of sexual abuse and the exploitation involved in child prostitution. I am discussing this having seen first hand the long-term devastation and destruction of innocent children.

So that we not get confused, freedom of choice is not an issue at this discussion of child prostitution. A 14-year-old who chooses prostitution as a means of survival can't really be said to have made a career decision. As one who has had contact with literally thousands of youth, I confirm that 14-year-olds cannot make that decision.

In a survey that was conducted in 1997 in Vancouver — I've had an opportunity to go over the raw data myself — originally conducted by Donna Karmo, 200 prostitutes were surveyed. The results were astonishing and I was somewhat moved by them. Some 78% of the 200 reported starting prostitution as a youth; 70% of those were under the age of 15. Ninety per cent had reported being survivors of child sexual abuse prior to their career choices towards prostitution. The average age of those being sexually abused was 10 years old. Two thirds of those were abused by father figures. Their average age of entry into prostitution was 13 years of age.

All the prostitutes in the analysis were runaways and homeless prior to starting into prostitution. Their only motive was basic financial survival. That was the reason mentioned by over 90% of the youth for prostituting.

A majority of the youth prostitutes described family structures with outward appearances of stability. Some 75% reported religious upbringing; 40% were raised by both mother and father; 60% reported families with alcohol and drug abuse in the home; 79% reported physical abuse in the home prior to their running.

I have heard it said that sexual abuse and incest of youth is like the boot camp of prostitution. If incest is boot camp for prostitution, it's ludicrous for us to expect a young woman to somehow dump all of that training and become something she feels she was never intended to be. As Andrea Dworkin pointed out in her book *Prostitution and Male Supremacy in Life and Death*, "The training is specific and it is important not to have any real boundaries to her own body; she must know that she is only valued for

sex; she must learn about men only what she learns from the sex offender."

I return to my figure: 90% were sexually abused prior to entering into that career choice. A quote from a 13-year-old prostitute who claims she is recovering — and that's kind of difficult to swallow in itself — when asked of the pros and cons of prostitution:

"There is only one pro, and that's money. The disadvantages? Well, it's degrading. You develop a total hatred for yourself for being so low, filthy and dirty, like a slave, but you can't get out so you stay high. The scariest thing is opening your eyes and finding someone on top of you.... It's hard to forget the faces and the smells, especially the smells.... The only thing to do is not feel anything and pretend you don't care. I don't think I care about anything."

To understand the necessity of creating systems which can intervene without the child's consent for removal, we must first understand the development of the thought process of the child. How do we create a prostitute who will not save herself if given the opportunity? If she is a victim, why does she not run to the police as soon as she is on the street? This learned helplessness — and I refer to the term "learned helplessness" — usually occurs in three stages and is always introduced by somebody.

The first stage of the development of a prostitute is her abduction. A lot of people assume abduction is somebody jumping them in the street with handcuffs, and that does happen, but for the most part it's coercion. This is when an abductor removes a girl or a woman — or a male; I'm referring primarily to girls in this scenario, as boys open up a whole new realm of discussion and I'd like to focus in the 10 minutes that I have — from a setting which is familiar to her to a setting which is unfamiliar to her. This is a setting where she has no allies and is often without knowledge of what resources are potentially available. Most often she is drugged regularly. To my experience, this is most commonly with intravenous opiates such as heroin, for its physical addictive qualities.

When she comes to consciousness of her predicament she is often disoriented and ignorant of where she is — what city, what building. She generally has little knowledge of her surroundings. Her abductor usually strips her of the most ordinary powers and resources, resources which even the most powerless of people retain. Through force she is often not able to do anything on her own for herself.

On completion of that, she is entered into a seasoning process. While he holds her in isolation and captivity, he often brutalizes her in many ways: frequent rapes, severe beatings, verbal and physical degradation, deprivation, intense and enduring pain, and threats of her murder.

The animal brutality serves several training functions, first by placing the victim in a life-threatening situation. Through this, he maximizes the urgency for her to take action on her own behalf while making it impossible for her to do so. This helps finalize the process of alienating her from herself through total helplessness. The result is traumatic loss of self-respect, self-esteem and any real

sense of self. Brutality also develops intimacy to her abuser, both by being invasive and by the intensity of the one-on-one contact. Chemical dependence is usually strong in seasoning, and her body is often betraying her with cravings of injections of drugs.

The abductor then switches from constant aggression to intermittent aggression. This intermittent aggression creates occasions for positive feeling on the part of the victim. She is now in a world that is distorted of moral proportion, where not being beaten, not facing death, and being permitted to urinate when she has to have become occasions to be grateful. Gratitude is a positive and has a binding effect. Her intimacy to her aggressor increases through this phase. Now any time she is not being beaten, she considers herself to be well treated.

The shift to less constant abuse gives her an opportunity to try to act in support of her physical survival. She is discovering how to be good to her captor and avoid making him mad. She also needs the drugs that he provides. She is often tested at this level by the introduction of strangers to test her will. Good decisions are rewarded with no beatings. By pleasing him, she can delay more beatings and avoid being killed, but any wrong decisions, any self-serving behaviours she demonstrates, whether real or perceived, will often result in savage beatings. Listening and following instructions are reinforced with a positive. No hitting, more drugs, clothing, sometimes food, candies and sweets are reinforcement. Displeasure results in more brutality.

This makes the victim's task of anticipating his will extremely difficult and keeps the stakes high. All of this draws her very close to him emotionally. Every ounce of her will and sensitivity is drawn into the most intense focus, towards his wants, his needs, his desires. She at this point becomes very clingy and does not want to let him out of her sight. Any will she had to escape is channelled to the service of his interests.

1350

The last stage to making her profitable is criminalization. Criminalization is necessary in order for the abductor to return her to public settings for economic gain. He forces her to participate in or be an accomplice to singular or many criminal activities, which may involve drug trafficking, witness to murder or prostitution, and holds the possibility of her incarceration close at hand. She therefore believes she is and is viewed by everyone else as a criminal. Now she cannot return home or turn to police. Her abductor now becomes her protector. At this point she often feels that in his world exists her only chance at acceptance, economic and chemical dependence, and social interaction. This life he has constructed is hers: a life of prostitution and victimization.

The Council for Prostitution Alternatives in Vancouver has reported that prostituted girls were raped approximately once a week against their will. A Canadian report on prostitution and pornography found that women and girls in prostitution had a mortality rate 40 times higher than the national average.

Through all this can we assume these girls can just choose to go home, go back to school, get a real job, make better friends? These choices are not even reality. Young girls under 18 need a system that can protect them and provide a place to heal their wounds.

She requires stabilization from crisis. This emotional healing may never occur, depending on how much damage was done. As a caring society we must ensure that she is given a safe house, meals, clothing, emotional support, money, quality programs, vocational retraining and counselling. We must remember that she is by all standards a victim and should be accessing the systems and supports that are available to her to the utmost of our ability as a community.

We must make penalties for perpetrators and offenders high enough to be a deterrent. The fines must exceed what they make from their girls. They must be sentenced and incarcerated, and their incarceration completed to full duration before release.

We must give his victims as much time to heal and develop self as they can in case he finds them again. His crimes should be made public as a warning to young girls of the danger he poses to them.

As a health care professional, I recognize the post-traumatic stress disorder that most often accompanies this level of victimization. It is very difficult to treat and often requires long-term intervention and counselling. Most common therapies and treatments don't work. In most cases I have dealt with, the victims return to the streets in a very short period of time under a new feeling of independence, but back into prostitution nonetheless.

In my shelter, I lose these girls back to the street usually within a period of 48 hours of their choosing to change. Their struggle with physical addictions to hardcore drugs and the availability of easy money are often too strong for young girls. They often come to the shelter with a real desire for something better, usually after a bad trip or a beating. The desire for change is real. In the first 12 hours they usually sleep. Upon awakening, they appear very sombre and distant; their pupils are often dilated or quite enlarged, depending on the drugs they've been using. Trembling begins shortly, with sweating and complaints of not feeling good. This is often followed by intense sweating, aggression or aggressive acting-out episodes, usually blamed on chores or rules or limits. Our experience has been that it's usually just verbal outbursts. It has never been physical outbursts. Then they pack up whatever they brought with them and state they can't handle it here, and they return to the street.

In our few follow-ups that we are able to do at this point, the girls are most often under the influence of drugs and alcohol very shortly after leaving the shelter. That's a very moving experience. I'll go into detail with it in questions and answers.

Bill 18 will allow our officers the power with a warrant to apprehend a child involved in prostitution and return the child to his or her family or place the child in a protective safe house. The police may apprehend a child without a

warrant if the child's life or safety is seriously and imminently in danger.

In my experience, a child in most cases will not recognize their environment as dangerous, through learned helplessness. Therefore, they are not able to identify their need for saving or protecting. They have a really difficult time seeing for themselves that they require this protection. This is really common among many of the young girls I met in west end Toronto when I was doing some work there in partnership with Covenant House. The young girls are in a very dangerous setting, very dangerous environments and neighbourhoods, and have no recognition of the dangers surrounding them because they are there in the box and they have a very difficult time to get out.

There will have to be the availability of age-appropriate safe house programs that are adequately funded to provide the intense counselling, intervention and protection that child prostitutes require if the programs are to be effective. We as professionals have to identify child prostitutes as a distinct group that requires supports that cannot be provided effectively in mainstream child protection programs. I thank you for your time in listening to this segment.

In my experiences in the shelter, a lot of the scenarios and situations that I come across are predominantly with 16- and 17-year-olds. It is not an omission or an error in the legislation that they include 16- and 17-year-old girls up to their 18th birthday. These children, and I view them as children because I work with them and I see them as children, have no protections as children under 16.

We cannot point any fingers. There is nobody who is not adequately doing their jobs. Legislation is not enabling them to go to the extent that's required. I'm sure that any judge in their right mind would love to throw the book, a life sentence, at a john who has abducted and destroyed teenage children. Our legislation currently doesn't allow them to do that. They have to fall within the confines of what individuals can be arrested for, what children can be picked up for. I've met with police officers who are moved by the fact that they were not able to remove 16-year-olds, who may have been in situations of requiring protection, but it's really fuzzy, because our legislation doesn't read like that.

Ontario legislation doesn't allow children 16 and 17 to be identified as in need of protection simply because they've been abandoned or are living on the street. That's a gap. The children are not going to say, "Hi, I'm a child prostitute and I'd like to be saved from this street." We as a community need to be able to recognize that and we need to be empowered to remove them from those situations, from their boxes. We need to empower them with a period of stabilization from crisis, allowing them to make proper choices. We need to give them every opportunity we can to make constructive change. We won't save them all.

By the age of 16 most of the damage is done, after several years. It is difficult, as I said, to tell somebody that you're no longer what you've been trained to do, that you

should be doing something else, that you should get a real job that makes \$6.85 an hour, which is more rewarding than the \$200 or \$300 a night you were making. This is difficult for the kids to understand because they haven't developed the maturity or the ability to grasp what's happening. We get a lot of survivors in their thirties who look back and say, "I was not able to make those choices." Unfortunately, we're not able to make those choices for them either. Thank you.

The Chair: Thank you, Mr Bazinet, for a very thoughtful and thorough account. Regrettably, you've used up all your time. I wish we had more time at our disposal, but we thank you for your thoughtfulness. I wonder if you might send us a copy of your remarks for the record. I'm sure members would really appreciate that.

Mr Bazinet: Absolutely. I'll forward them to Mr Bartolucci.

GERRY COURTEMANCHE

The Chair: I call Gerry Courtemanche. Welcome. Thank you very much for being here. You can make your presentation in French or English, whichever you prefer.

Mr Gerry Courtemanche: Thank you, members of the committee. Good afternoon ladies, and gentlemen. Mesdames et messieurs, bon après-midi. My name is Gerry Courtemanche and I'd like to take a few moments this afternoon to tell you a little about myself and why I'm here.

I've lived in the Sudbury area my entire life. I was born here. I was raised here. This is my home as well as my family's. In 1974, I went to work for Inco as a labourer and became a member of the United Steelworkers of America. I still work at Inco today as a lineman and a supervisor of the power service centre. As a husband and father and a lifetime member of my community, I'm not only concerned for the safety of my family and myself but also for that of my friends and neighbours.

Je crois qu'en Ontario, tous ont non seulement le droit d'être en sécurité mais également de se sentir en sécurité à domicile ou dans nos quartiers.

1400

From 1990 to 1995, Mike Harris and his caucus travelled the province to hear the concerns of ordinary Ontarians. At kitchen tables and coffee shops across Ontario they heard that people no longer felt that important sense of security, that crime was on the rise. After much consultation, the PC Party caucus published New Directions, Volume Three: A Blueprint for Justice and Community Safety in Ontario. The principles outlined in this document were reinforced by the publication of the Common Sense Revolution in May 1994.

Depuis juin 1995, notre gouvernement a fait de grands pas pour assurer la sécurité des communautés et sur les questions relatives à la justice.

For example, in June 1997 the Solicitor General announced the launch of the Partners Against Crime initiative. This initiative forges strategic partnerships between government and the private sector to come up with creat-

ive solutions that will prevent crime and make our communities safer.

In July 1997 the Solicitor General announced that inmates and young offenders in Ontario's provincial correctional institutions would no longer receive a weekly \$5 allowance. In August 1997 the Solicitor General announced that Ontario would present submissions to the Alberta Court of Appeal in September to challenge the federal government's Firearms Act, Bill C-68. Ontario objects to the imposition of a universal firearms registration system that diverts important police resources from front-line law enforcement.

In March 1998 the Solicitor General also announced the reinvestment of \$700,000 from criminal proceeds into front-line enforcement and police investigations.

During the last budget in May 1998, this government committed \$150 million over the next five years to things such as establishing the community policing partnership program. This program will result in the hiring of up to 1,000 new front-line police officers to increase police visibility and presence and help target high-crime areas across the province. The Ontario government has committed to provide matching funds for up to 50% of the salary costs for these newly hired police officers. The \$150 million over five years on new community safety initiatives includes for the Sudbury area \$375,000 in front-line policing grants to put more officers on the streets, \$77,000 in RIDE funding and \$13,000 for victim support initiatives.

The budget also contains funding for the new rural crime prevention strategy. The OPP will establish special break-and-enter task forces in high-risk areas throughout the province. The strategy will also include the establishment of a provincial Cottage Watch crime prevention program in conjunction with the Federation of Ontario Cottagers' Associations. Cottage Watch is similar to the Neighbourhood Watch program in larger communities. Cottagers will be encouraged to watch for suspicious vehicles or strangers in their neighbourhoods and report them to the police.

This past June, the Community Safety Act passed into law. The act will close loopholes so justice officials can track criminals and notify the public about dangerous offenders being released in their communities.

The Solicitor General also announced the expansion of victims' services by allocating \$11.2 million in 1997-98 to programs such as the automated victim notification system, the victim crisis assistance and referral service and the community victims initiatives program. The victim crisis assistance and referral service now provides immediate services to victims of crime in 20 locations throughout the province. These program will ensure that victims of crime receive the support and respect they deserve from the justice system.

Fewer offenders have been released on Ontario parole than ever before and there has been a significant reduction in the rate of reoffending by these parolees.

With regard to Bill 18, An Act to protect Children involved in Prostitution, I am supportive of the intent of

the legislation as its spirit is in concert with crime prevention and ensuring public safety. I would like to mention first the points in the preamble to this bill with which I am in concurrence.

Je crois que la sécurité et le mieux-être de nos enfants et de nos familles sont les préoccupations les plus importantes de toute la population ontarienne.

I believe that children engaged in prostitution are victims of sexual abuse and they require protection. I believe that it is the responsibility of families and the community to provide that protection. I believe that it is the duty of the province to assist families and communities in providing that protection. I believe that legislation is required to ensure the safety of all children and to assist children in ending their involvement in prostitution. It seems that I am in complete agreement with Mr Bartolucci on the points he outlines in this bill.

Que d'autres personnes ou tierces parties aient appuyé en si grand nombre ce projet de loi, cela en dit long sur son caractère nettement positif.

Police forces from across Ontario have also indicated their support for this bill. I am also happy to note that there is bipartisan support for this bill. This serves as an example to the fact that this government is listening to the people of this province and acting upon their advice.

Cependant, certains éléments de la mise en oeuvre de ce projet de loi me préoccupent. En fait, le terme «préoccupation» est un peu fort. J'estime seulement qu'il faut clarifier certains éléments.

Although the Child and Family Services Act definition of a child is the same as that proposed by Bill 18, children's aid societies only provide child protection services to children up to the age of 16 unless the child is in the care and custody of the children's aid society. The bill as currently written would thus create new service delivery expectations for the society.

The Child and Family Services Act does not include a definition of "protective safe house" as per Bill 18. Although the children's aid society and/or police may confine the child to a protective safe house for a period of three days, the children's aid society does not have the authority to lock up children. A child who is apprehended under the bill could escape and leave the safe house, thus the safe house concept as defined is particularly problematic since it cannot protect children in isolation from other legislation.

The Child and Family Services Act gives both police and the children's aid society the authority to apprehend children under the age of 16 if there are child protection concerns which include prostitution. The CFSAs does not give police or the CAS the authority to apprehend youth who are older than 16 unless they are in the care and custody of the children's aid society.

The bill would impose limitations on the rights and responsibilities of youth aged 16 to 18 who are legally able to live independently from parents and leave school. We could therefore anticipate that some young people might challenge this legislation in the courts on the

grounds that being detained in a safe house is a violation of their civil liberties.

The bill should also be more clear about what factors a worker or guardian should consider in determining that a child is capable of providing for his or her own needs. This will prevent the children's aid society worker or guardian from future liability which may arise if the youth further endangers his or her own life, following discharge from a safe house, through prostitution or other acts.

En terminant, le projet de loi devrait mettre l'accent sur la prévention. Notre société doit élaborer une stratégie permettant d'éviter que les jeunes se tournent vers ce style de vie.

We all know that the best possible social program is a job. The economic recovery of Ontario is underway. Ontario continues to create new jobs at a rapid pace. Consumer and business confidence is up. Welfare rolls continue to decline. In spite of the problem that we are talking about here today, crime statistics indicate that crime is on the way down.

I think that in the spirit of bipartisan support for this bill, all the people of this province and politicians of all stripes should continue to work together to provide constructive criticism as opposed to just criticism and to offer solutions as opposed to simply condemnation.

Only by working together can we proceed in creating the greatest place on earth to live, work and raise a family.

Merci, Madame la Présidente, and thank you to the committee members.

The Chair: Merci bien. We have two minutes per caucus for questions, if you'll entertain some, Mr Courtemanche.

Mr Courtemanche: Please. Yes.

The Chair: We begin with the Liberals.

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Mr Bartolucci: Mr Courtemanche, you are setting a first. You are the first presenter here today with a very biased political slant. I suggest to you that the spirit of this bill is one of tripartisanship, whereby we try to stay away from any one political ideology.

Having said that, though, I want to ask you a question with regard to the legislation. You say there is a conflict between the Child and Family Services Act and this legislation. I know there is. A simple question: Are you in agreement that the age should be raised to include those who are 16 or 17 or do you suggest that this bill is flawed that way and it should stay at 16, as the Child and Family Services Act does? What is your preference?

Mr Courtemanche: As a father, obviously my concern is for the family and for our children. My preference would be to include children up to the age of 18. I would certainly hate to see any of our children taken advantage of by, if I may be so bold to say, some of the leeches that are out there in society such as the johns and that.

Mr Bartolucci: So you would also be willing, then, if we increase it to include 16- and 17-year-olds, to very much support the necessary financial resources which will have to be allocated to Bill 18 if it were to become law in order to implement the programs?

Mr Courtemanche: The bill itself, Mr Bartolucci, if I may say, to my way of thinking is perhaps reactive. We have a problem that we are reacting to. I tend to believe we need a strategy to prevent the problem itself, and that's where we should perhaps focus some of the monies as well, to put into place a program that would prevent our children from being out on the street, from being taken advantage of. But as you say, if as a last resort not only is education going to be one of the things but enforcement as well, then if monies need to be allocated for that, very much so.

Ms Martel: Let me follow up on that point, because clearly from all the agencies and victims who were here before us, there are any number of new programs that are going to be needed to give effect to this law and there are any number of new funds that will have to be allocated to provide safe houses for victims. In that respect, when the John Howard Society was before us, they encouraged an amendment to section 10 of the bill and I'll read it for you. "The minister" — that's the Minister of Community and Social Services — "may establish programs that in the opinion of the minister are necessary to assist children in ending their involvement in prostitution." The John Howard Society suggested that we change the "may" to "must" to force an obligation on the Minister of Community and Social Services to fund these programs. Would you agree with that amendment?

Mr Courtemanche: At this point in time, not having been party to those discussions and simply hearing it, I have to go back to what I said previously. The allocation of resources — obviously there are only so many monies out there — needs to be looked at as well as something that is reactive. I think we also need to allocate monies to something that is preventive, if you want. But certainly once all the analyses have been done and the resources, the monies, have been allocated and part of the decision is that some funds are required there, then by all means we should be looking at allocating monies to where we best see solutions to this problem.

Ms Martel: So you would encourage your colleagues who are going to deal with clause-by-clause on this that they should support an amendment that says the minister "must" provide programming.

We talked about education programming here this morning. That was thrown in the mix, so we're not making a distinction between programs to help prostitutes after. We're talking about the broadest possible education.

Mr Courtemanche: Correct me, or perhaps you can provide clarification. If the question is, do we need to allocate monies to fix this problem and hopefully arrive at solutions, my personal opinion on that would be yes.

Ms Martel: You'd encourage your own colleagues to support an amendment?

The Chair: Thank you very much. Mr Brown for the government.

Mr Jim Brown: Good afternoon. Some people would say, and I might be one of them, that Mr Bartolucci's bill doesn't go far enough, and some people would say that the young people involved in escort services and massage

parlours, strip clubs and adult entertainment bars should also have a measure of protection just the same as child prostitutes, and I'd like to ask your opinion on that.

Second, this morning I mentioned that kids are kids and we seem in Mr Bartolucci's bill to be somewhat ignoring the pimp and the john and the drug dealer, because usually the pimp is a drug dealer. One of my ideas was to attack the assets of the pimp and the drug dealer, realize them in cash and throw it back into a program to help the kids break the cycle; in terms of johns, to seize the cars. They've done this in other jurisdictions because if there are no customers, there is no business and if there is no making money on the kids, then the kids would be left to themselves. Some people would say that Mr Bartolucci's bill hasn't gone far enough and should include more types of work that kids do. What would your comments be, particularly to attack the adults who are using the system, the pimps and the johns?

Mr Courtemanche: On that very question, I would also fully support any program that would attack what I deem to be the leeches on society. If by seizure, if by whatever means some of their assets could be turned into monies that would be required to fund the various programs to which I've previously answered questions, then yes, I truly believe that should occur. Whether the proceeds come from drugs, whether they come from johns, from wherever they may come, whether they're vehicles, boats or even homes, you may even go that far. Yes, funds from those should be turned over to funding the solutions.

La Présidente: Merci, monsieur Courtemanche, pour votre présentation aujourd'hui.

M. Courtemanche: Merci beaucoup pour le temps. Thank you, everyone.

The Chair: Thank you for sharing your time with us.

Mr Gerretsen: Do you want to move that amendment?

The Chair: We'll have plenty of time for amendments.

MITCHELL DAY

The Chair: May I ask Mitchell Day to come forward? Is Mitchell Day here?

Interjection.

The Chair: Mr Brown, you'll leave discipline to me, I hope.

Welcome, Mr Day. We're very happy to have you here.

Mr Mitchell Day: Madam Chairman, members of the committee, before I start, I'd like to apologize in advance for any coughing or other noises that I may make due to the fact that I am fighting the flu right now. I apologize and, hopefully, you will excuse me ahead of time.

Just a quick overview. My name is Mitchell Day and I'm speaking here as a private individual, just concerned about social issues in general. I wanted to make a few passing comments about Bill 18 and the general direction that it has.

Over the past couple of years there has been a lot of attention brought forward about issues involving the sex trade and about prostitution. There has been a lot of media

commentary about it and there has been a lot of discussion in various legislative committees on a federal and provincial basis. I find that one of the aspects that was never really addressed was making an adequate distinction between adults and minors in this in a way to address it.

In many ways I believe that Bill 18 is a very good start to addressing this issue rather than going more for the punitive and using the legal system to address the problems of children who, due to circumstances often beyond their control, are forced by necessity or by coercion into the sex trade and will now have at least the flexibility as determined by either the police or, more correctly, by social services to determine whether there are other options that can be brought to break this vicious cycle.

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As we already know, children who end up in the sex trade usually end up there for a considerable period of time. There are obviously histories of drug abuse, suicide and they are more prone to violence and other social pathologies which we won't go into detail on that have to be addressed. Unfortunately, we need help from our federal counterparts in addressing this issue too because we would like to see changes to the Criminal Code, but that is obviously beyond the scope of this.

Other points that I like about this bill are that there is enough inherent flexibility within it between the ministry and all parties involved to determine by age or by the circumstances whether child protection services are required or whether a return of the children involved to the families is most appropriate. In that sense, I believe this is a very good start. As we gain greater experience on behalf of the Legislature and all parties involved, amendments should be made over time that will better address this problem. That's basically it.

The Chair: Thank you very much. You've left us ample time for questioning. We have about six minutes per caucus.

Ms Martel: Thank you for the presentation. We heard this morning from a number of people about some difficulties in accessing services, first with a reference to Sudbury which said in Sudbury there were long waiting lists for drug and alcohol, virtually no service to deal with prostitution and people who are trying to get out. But once you got outside of Sudbury, it wasn't even a question of a waiting list, it was a question of not having the service at all in many communities in northeastern Ontario, and there was a specific reference to Timmins. Clearly, the effectiveness of the bill hinges on two things: (a) police having adequate resources to do the surveillance and to be able to apprehend victims and (b) having the resources in terms of both the protected houses and the programs to make this work. Otherwise, whatever we do here is not going to matter.

I raise with you again the same kind of question that I raised earlier to Mr Courtemanche. One agency in particular has said it has to be an obligation of the minister to fund programs, be it education, be it rehabilitation, but

there has to be an obligation; otherwise, this will probably not happen. Is that a point of view that you agree with?

Mr Day: Obviously the funds should be made available to the various agencies because if we're talking about crime in general, it would be safe to say that it is a focal point of this government about preventing crime and fighting crime, that considerable funds would have to be put in on the preventive side to achieve savings in the long term. Obviously if you can prevent crime, then you reduce your costs of policing and incarceration. However, the definition of obligation has to also have in there the flexibility for the minister and the parties involved so that programs can be funded and adjusted according to the needs of the individual areas and also based on experience of this.

So in a point I would say conditionally that it should become an obligation, but there should obviously be the flexibility upon the ministry and the committees responsible for oversight on this to make changes that they see necessary based on experience.

Ms Martel: Do you think we're going to need new funds to put into effect all of these safe houses that are talked about in the bill and all of the intensive programming that certainly became clear as a need from even the victims who came to talk to us today?

Mr Day: I think it's a very real possibility. Not being familiar with the budget for that, I do not know whether any more internal savings could be achieved without affecting bottom-line services, but if additional monies were needed to achieve this goal, then it may have to be considered by the Legislature.

Ms Martel: So you'd be supportive if a member of any party put an amendment that said, "Additional new resources should be set aside to make this initiative go into effect"? You'd be supportive of an amendment that would work like that?

Mr Day: Yes. If the Legislature thought it was necessary, then yes, I would be supportive.

Mr Chudleigh: Thank you very much, Mitchell, for your presentation today. It's always struck me as strange, and Ms Martel just used the term again, that we refer to these people as victims — in youth prostitution they certainly are victims, but I believe they're equally victims when they get older. If they're still in the prostitution business, they are still victims — yet in our society, in western society throughout the world, we arrest the victims.

By and large, the perpetrator of the crime, who I believe would be the john, for instance — he is the one seeking the services and therefore is seeking the crime to be committed — in many cases he gets to walk away. I think the whole emphasis of our society should change and we should put far more emphasis on the arresting of the johns, the charging of them, and those charges should be much higher than they are now because of the hardships that they bring to our society.

Equally, the pimps, who are not only aiding and abetting this crime but also assisting in the drug trade, should be dealt with far more harshly under the laws than

they currently are. First-time offences should have mandatory long-term jail terms, taking away some of the opportunities for what some of them would suggest is easy money, these people who prey on our society. I think the former witness talked about the leeches of our society. I'm not sure. Leeches have a purpose — I think they can use them in fishing and they make good bait — but I don't think pimps have much of a purpose in our society at all. I just think the whole emphasis should be changed. Do you have any feelings on that?

Mr Day: You are correct in the fact that there is a supply-demand relationship in this. I believe that more emphasis should be put on the demand aspect of it, as you mentioned.

I have some friends who are involved with projects like this in Calgary, where there's a significant child prostitution problem. They strongly believe that programs such as john schools are wholly ineffective and do nothing to take care of the problem, as some minor conditioning does not necessarily change the behaviour of a john. I believe the point that when it comes to child prostitution, as my colleague who was an ex-Calgary police officer said, kids should be in school, johns should be in jail. It should be focused on a supply and demand aspect.

That being said, however, there are certain social pathologies that do lead minors into prostitution. Some efforts to remediate that should be looked into, obviously, because if it can be stopped on the supply side, before people are entering it as minors, then some efforts should be put there. But obviously equal emphasis, if not more emphasis, should also be put on the demand aspect by becoming much more aggressive with the arresting of johns, especially those who solicit minors, and they should be incarcerated because for all intents and purposes it is statutory rape.

Other aspects should be done to also remove prostitution off the street and to ensure that it is understood by society that people who openly solicit the sex of minors should be punished heavily.

Obviously, as I mentioned earlier, john schools are not a way to do that. It must be much more aggressive and punitive. Measures such as publishing names in the papers may or may not work. There has been some history of it in the United States where they've had some success with it. Maybe that is something to look into. Obviously there are certain legal issues there about right to privacy that have to be addressed. Bill 18 I believe just addresses the supply side but there should be legislative efforts to address the demand side as well.

Mr Gerretsen: I've got a question for you, sir. I find it rather curious you praise this government for taking a tough stand on law and order. That's certainly the image that it would like to project across the province, that it's concerned about law-and-order issues. Yet at the same time, I can tell you — and it's too bad I didn't bring the document with me — that the Solicitor General's budget over the last four years has been reduced by something like 40%.

When you consider that that's the main department that gets involved in law-and-order issues, don't you think it's rather ironic that a government that likes to promote an image of being all in favour of law and order and all the issues relating thereto would cut its budget by 40%, when at the same time you've just openly admitted that maybe for a program like this to be effective, more money has to be spent? How do you justify all that?

Mr Day: Unfortunately, I do not know the particulars of the Solicitor General's budget and all that. Assuming that your assumption is correct, that 40% has been cut, then my response would be that I would have to understand what type of efficiencies have been brought out through these cuts and whether bottom-line services have been affected or not, and I'm not particularly sure.

If I may speak in generalizations about addressing the problems of crime in this province, I think one of the largest spots for expenditure is obviously in the court system. One of the biggest problems with the legal system in this province, with the criminal aspect, is excessive bottlenecks in the judicial system, the fact that there are many cases where charges are being stayed due, if I'm correct, to section 11 for undue time for trials. Obviously efforts have to be made there. That would be the largest bottleneck, I would probably say, in the criminal justice system in Ontario right now.

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Mr Gerretsen: Just for your information, the criminal justice system is being paid for out of the Attorney General's budget and it's got nothing to do with the Solicitor General. The Solicitor General's budget is mainly involved with issues of paying for the police services and the fire protection services across this province. I can assure you that that budget has been cut by 40% over the last four years. Do you not think there's some inconsistency there, that the government that preaches law and order in effect hasn't been paying the necessary price for that?

Mr Day: Not necessarily, because it can also be contingent on issues that the public considers, such as sentencing recommendations. Obviously we're all aware that one of the biggest outrages from the public is when someone is sentenced and a judge gives an excessively lenient sentence. Things like sentencing recommendations, truth in sentencing, aspects like that are aspects of the criminal justice system that can be implemented without significant cost to the Attorney General's department. That is one aspect which can address the problem without incurring additional funds.

As for the cuts, I'm not sure because I've not seen any significant changes to the bottom-line services that are offered, to my knowledge.

Mr Gerretsen: But longer sentences, by the way, mean more money because people will be staying in prisons longer. To house a prisoner nowadays, I think it's about \$40,000 or \$50,000 per year provincially. So longer sentences aren't going to save you any money necessarily. It may cost you more money to run the system more effectively.

The Chair: Mr Day, did you want to briefly respond to that or are you finished?

Mr Day: One solution, you could always just privatize all the prisons and try to save some money there.

The Chair: That, of course, you understand is beyond the scope of this legislation.

Interjections.

The Chair: Order, please. Thank you very much for appearing before the committee and articulating your views. We're very grateful to you.

SUDBURY AND DISTRICT HEALTH UNIT

The Chair: Could I call upon Jackie Moffatt of the Sudbury and District Health Unit? Welcome, Ms Moffatt. We're pleased to have you here. You have the committee's undivided attention on this very important piece of legislation.

Ms Jackie Moffatt: Honourable members, thank you for the opportunity of making a verbal submission to Bill 18.

I am an assistant director of health protection working at the Sudbury and District Health Unit. I'd like to start by thanking Mr Bartolucci for introducing this important private member's bill in the Ontario Legislature.

It's important to realize this bill isn't about prostitutes or any opinions and attitudes that we might have towards those individuals who are engaged in the sex trade. It's about children. And not just somebody else's children. These very easily could be our children. In Sudbury we are well aware that up to 50 children, both boys and girls, as young as 11 and 12 work as prostitutes. This is really unacceptable from all aspects of the issue.

I think it's important that we not get blinded by our biases and judgements, and that's the general public in particular, but hold as a basic tenet for such a bill that sexual exploitation and sexual abuse of children cannot be allowed.

Surely Bill 18 is about the protection of children engaged and trapped in selling themselves to an increasingly eager market. It also seeks to prosecute those who are putting these children at imminent risk, the pimps and the johns etc.

Kids are entering prostitution for many reasons, including family dysfunction, sexual abuse, drugs, peer pressure and the lure of easy money. No matter what the reason, the scenario is most often the same: There's an initial perception of independence, freedom, peer acceptance, an escape from problems, ready cash and perhaps the excitement of living on the edge.

It soon, however, loses its allure. The pimp no longer is as caring as he seems to be and turning tricks for money becomes disgusting or at the very least tedious and monotonous. There's pressure to bring in more and more money, sometimes to pay for the drugs that initially may have been supplied. They are now needed, these drugs, often to get through the day. The self is lost, and what might have been exciting now holds a lot of personal risk.

At this time I'd like to present you with a number of hidden issues that I see from a public health perspective. Although not always seen as imminent dangers, these risks can and often do pose serious harm.

We know that Canadian teens are now taking more risks when it comes to sex. The federal statistics presented at a June meeting of the Society of Obstetricians and Gynecologists of Canada revealed some very disturbing statistics. Despite the efforts of parents, teachers and health professionals to provide accurate information about sexuality for teens, teen pregnancy in Canada rose 18% from 1987 to 1994, and as many as 50% of teen pregnancies were unintended. The increase in the number of abortions for women in the age group 15 to 19 years was 50% greater than the increase in women who were 20 years and older.

Sexually transmitted disease rates are climbing. The rate of chlamydial infections in the 15-to-19 group is nine times the average for that among all women. Chlamydia, as you may know, often goes undetected and can lead to chronic infections, including pelvic inflammatory disease, which at its very worst can be life-threatening. As well, it leads to infertility in later life.

To address these findings, a panel of doctors and physicians, teachers and representatives from family planning and the general public got together and made a number of recommendations. These are interesting, but I'm trying to put them in the context of this group that we're looking at today.

In the recommendations, they said parents should be more involved, as should teachers and health professionals, in teaching kids about sex, contraception and STDs. Physicians should ask questions about sexual health in routine health histories. Not bad recommendations. Condoms should be promoted for use in all sexual encounters to prevent STDs. Abstinence should be promoted as the choice for contraception, and couples should try hugging and kissing and masturbation rather than intercourse. Not bad ideas, but they're not very relevant to the group we're talking about today.

For example, the children that we're talking about likely don't have parents in the picture, or at least most of the parents would not know that the child is engaged in prostitution, and it's unlikely that the conversation would address key issues that street kids need to know about safe or safer sexuality and to be streetwise.

Many of these kids don't attend school or they're too tired or too busy to go to school regularly, so they miss out on any sex education, including risk reduction strategies that might be taught. They often have a lot of misinformation acquired from peers on the street. I can attest to that because in my clinic we often see young people who we suspect or who will acknowledge that they're in the sex trade. It's not unusual for these young people to miss out on immunization for hepatitis B, which is now given at the grade 7 level.

These kids often do not trust organized health care systems and tend not to approach physicians or sexual health clinics or other service agencies. We need to come to them with our programs. I think that's very important.

As for condoms and condom use, kids may lack the knowledge of STD prevention or the assertiveness to insist their older johns wear one. A john may refuse to use a condom, lie that he has one on, threaten violence or, an added attraction, pay more for services that don't involve a condom. Kids often believe that they're invulnerable at this age and risk-taking might be worth it, or several of them may see themselves as not even worth protecting.

The recommendation for abstinence or modified safe behaviours is not at all relevant. The john wants sex, not a safe behavioural substitute, and he wants it with a child, the younger the better.

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These kids have their cards stacked against them. They're very vulnerable on the street, and those recommendations I put forth originally by organized health groups such as the college of gynecologists and obstetricians aren't going to work. Programs need to be tailored to meet the distinct needs of this very young group. I'm very pleased that Bill 18 will encourage programs designed to fit those distinct needs, including the health needs of this population.

I would like to quickly enumerate some additional health risks for these children that are probably not very obvious to the general public or perhaps yourselves. In public health we are now aware that early sexual experience and multiple partners are both factors that entertain invasion of the human papilloma virus. Four strains of this virus are currently found to be the cause of an alarming 85% of all cervical cancers. These kids are at a high risk of developing cancer.

Prostitutes tend to get involved with the drug scene, including intravenous drugs. A clouded consciousness can lead to more risky behaviour such as the sharing of dirty needles or the inability to problem-solve to get out or keep out of a dangerous situation. Sharing dirty needles for drugs, body piercing and tattooing mean somewhere along the line contracting and passing on infectious diseases such as hepatitis B and hepatitis C as a definite possibility. Hepatitis, as you know, can severely reduce the quality of life and lead to other problems at a later date. As well, HIV-AIDS, a life-threatening STD, can be acquired by using dirty needles. Both hepatitis B and HIV-AIDS are of course sexually transmitted.

Being constantly run down and ill-nourished poses another threat for these individuals. We like to believe that tuberculosis is gone, but in fact it's not, it's on the upswing, and these kids are prime candidates for tuberculosis.

Along with prostitution, again, comes the serious loss of self. Sex for these kids is something one does to live or for excitement. It does not become a healthy, enjoyable part of one's being.

Bill 18 has the potential of having a positive impact on protecting these kids and giving them back the remaining aspects of their childhood. A hard stance on those individuals who set up prostitution rings and escort services using children is warranted.

I would like to enumerate a few comments on the bill which are meant to be helpful. The bill focuses on

protection of children up to the age of 18. Most legislation involving children uses 14 and 16 as a benchmark. Many people are married at 18. As well, I believe criminal law concerning arrest for prostitution-related offences is set at 18 as the beginning of adulthood. Likewise, those agencies dealing with children under various legislation use 16 or 14 as the cut-off date.

I would encourage you to reconsider the age-defining definition of 18 years. I think part of this is that we like to think children are not sexual at an early age, and believe me, from seeing the thousands of kids that we do in our clinic, they are sexually active, including and up to intercourse, at very young ages.

It will be difficult to enact the bill without a clear definition of what is meant by "serious and imminent danger." Some work needs to be done in this area so that law enforcement, child and family services and other service providers are very clear on when and how they are to step in and rescue a child. It is not the prostitution that is the danger, it is situations such as violence and abuse that pose the danger. I would hope that some of the softer threats that I've expanded on earlier in this presentation will be considered for inclusion into this definition.

Section 10 addresses programming for this population. I would encourage further elaboration in this section. Programs such as Unhooked, currently in the works locally, spearheaded by Elizabeth Fry and other community partners and the public, can serve to get these kids off the street and to provide them with protection, a safe house, life and skills training and referral and advocacy to meet their social and health care needs.

I would also encourage you to build into this bill recommendations to study the reasons why these kids are going to the street in alarming numbers in the first place. Using primary preventive strategies may help us to identify those at risk before the kids hit the street and suggest early intervention strategies such as follow-up of at-risk babies and families.

In closing, I'd like to acknowledge that, although it seems to be a rarity that a private member's bill tends to become law, perhaps this bill is an example of one that has the potential to do just that. I would recommend my support of Bill 18. Thank you.

The Chair: Thank you very much, Ms Moffatt. We have two minutes per caucus. We begin with Mr Bartolucci for the Liberals.

Mr Bartolucci: Thanks very much, Jackie. Your presentation was excellent.

Jackie and I have talked previously about some of the concerns she has with the legislation. You've articulated them extremely well. You've also articulated the positive aspects of it, and I thank you for that.

In defining where a "child's life or safety is seriously and imminently endangered," would you suggest that procurement by a john is that instance when that life is at risk?

Ms Moffatt: No, I would not. Not imminent.

Mr Bartolucci: OK. Could you expand that, because we talked about that and I think it's important for the committee to hear.

Ms Moffatt: Maybe you can parallel that to other legislation. My background is mental health, and within the mental health legislation and also the Health Protection and Promotion Act it is very clear what is meant by an imminent and serious threat of danger. I don't think the procurement or the person being in prostitution is what I would refer to as a direct, imminent danger. I think it's the violence that comes out of that. I think you have to have some pretty strong data that indicate that abuse is there.

I don't know if that's helpful.

Mr Bartolucci: So you're looking at the aftermath of what happens as what is imminent danger for that child in the future.

Ms Moffatt: Yes, and I think from reading the bill, it's not heavily defined, but what you are looking at is the potential that anybody who prostitutes a child is putting them in imminent danger. I suppose that's a potential, but in actuality, do you have the data to support that? I don't think you always will. I think you need to give some examples of what is meant by that.

Ms Martel: Thank you for coming today to make the presentation. Sorry that I am still confused about this, because you talked a great deal about other pieces of legislation which use different age criteria. Am I right in assuming that you are convinced that we need to include 16- and 17-year-olds in this legislation?

Ms Moffatt: No. What I'm suggesting is that you look at a lower cut-off than the 18. With consent to treatment, a child can give consent to what happens to him or her at any age as long as they understand the risk and the benefit of not having a specific treatment. So 18 to me is often an adult, especially when we're considering that in relation to other legislation. To me, that's fairly old. Many people are married at that age. They might have made the decision that that's what they want to do for a living at 18. We like to believe that people do not really want to be prostitutes, but yes, there is a significant group of women out there, older women in particular, who make that conscious choice and don't want to be protected.

Ms Martel: What about the case, because we heard it earlier this morning, that many prostitutes also are involved heavily in drug use or alcohol abuse? I wonder about a 16- or 17-year-old's ability to make good choices or reasonable choices if what is part and parcel of what they are doing is also to be always in a haze because it's the only way they can cope. I understand other pieces of legislation. I am concerned about someone's capacity to cope and make intelligent choices and make decisions when they are 16 and 17 and dealing with all these other issues.

Ms Moffatt: Maybe that's where we have to look at it a little more broadly. When you have a clouded consciousness etc, maybe then you have to look at other legislation again, such as the Mental Health Act, which clearly stipulates when a person is not able to make the decisions for himself or herself, and if they are in a position of not making a decision because they are always in a drug haze, then you can enact that legislation.

1450

Mrs Ross: Thank you very much for your presentation.

At the beginning of your presentation, you commented that in Sudbury there are approximately 50 children involved in child prostitution. I find that astounding. The mere fact that one alone is involved is astounding.

I'm curious, and I'm a little confused by this. You talk about the Consent to Treatment Act, and you say 18 is too high an age, that the age should be lower. But is consent to treatment — I'm confused. Can a child of 11 or 12 —

Ms Moffatt: It's limitless. An eight-, nine- or 10-year-old child may make a decision in relation to their health care and decisions around their care as long as there is evidence and proof that the child can understand the risks and benefits. It is ageless. It used to be you always had mom and dad to sign. Currently, you do not. Mind you, people in practice always have built-in safeguards, but that's the law at this point.

Mrs Ross: As a health care worker, would you think there should be something there, and at what age would you say it should be, that parents should have some involvement in that, that children shouldn't be allowed to make those decisions on their own? What age are you talking about?

Ms Moffatt: I would not make an age limit on that. I think each child is individual; each parent is different. I would not make a determination of that and set a date where the parents should or should not be involved.

We know within health care that 13- and 14-year-old children do come to see their physician, do access services, and they do not need the consent of a parent to do that; neither does the health care provider have the right to call the parent and say, "I'm calling because Jackie is here and she wants the birth control pill." So it's a tricky wicket.

The Chair: Thank you very much, Ms Moffatt, for being here today and providing some very valuable insights to the committee.

Is Richard Pentney here? No?

ELIZABETH FRY SOCIETY,
SUDBURY BRANCH
CHILD PROSTITUTION
ADVISORY COMMITTEE

The Chair: I would then call Marianne Zadra, board member of the prostitution program of Elizabeth Fry. Welcome, Ms Zadra. We're pleased to have you here. We've heard about the Elizabeth Fry Society all day, so we're happy to have you here to give us a first-hand account.

Ms Marianne Zadra: I appreciate this opportunity to speak.

For more than a year now, the Elizabeth Fry Society, Sudbury branch, has been aware that child prostitution does in fact exist in this city. This fact alone causes us great concern. In an attempt to determine the scope of this issue, we developed a Child Prostitution Advisory Committee. We began round-table discussions with other

agencies in March of this year. Through these discussions we have come to learn that approximately 50 prostitutes are working in the downtown area of the city. Between 15 and 25 of those prostitutes are under the age of 16. That number could be higher if we were able to determine how many child prostitutes are working through escort services. This type of prostitution is largely underground and difficult to investigate.

The children working the streets are lured to this way of life for many reasons. For some it is the perceived glamour of the lifestyle. For many it is the money. But for most, it is the belief that this lifestyle is better than what they already have. And perhaps for a time it is better. However, what usually happens is that the party scene and late nights include heavy drug use, so 11-, 12- and 13-year-olds are introduced and become addicted to drugs like crack, cocaine and heroin. At first these drugs are free, but it's not long before these kids not only have to pay for what they've already used, but need to buy more for their addiction. The only way they can make that kind of money is through prostitution. This kind of livelihood brings with it threats of violence and life-endangering diseases, as Jackie Moffatt outlined in her presentation prior to me.

Those who orchestrate this scenario largely are the pimps. They have a psychological and emotional hold on these kids, one which is extremely difficult to break. If prostitutes ever summon the courage to leave on their own, it is usually because they are in an extremely desperate situation. Some never have the courage to leave.

This is why I support Bill 18. It enables police to remove children from dangerous situations which these children may not have the maturity or lucidity to react to themselves. In some circumstances, this removal may be seen as a forcible rescue, but likely will be far better than no rescue at all. In addition to this, the restraining orders outlined in the bill will hopefully serve to further protect these children, and the penalties may work as a deterrent to some pimps.

It is very important to recognize that these children need a safe place to live. If it is not the home of family or friends, it must be a place that is considerably better than the streets. Once these children are removed from these dangerous situations, they can begin their long journey back to a safer life.

The advisory committee on child prostitution, spearheaded by the Elizabeth Fry Society of Sudbury, has developed a program, which is called Unhooked, to help these children realize alternative, healthier lifestyles, with such components as drug-addiction and sexual assault counselling, peer mentoring and mainstream activities. We believe these program components, along with outreach work in the streets and public education campaigns in schools, will serve to bring this issue into the open where this problem can be addressed. Bill 18 supports this action.

This legislation alone will not wipe out child prostitution, but it is a step in the right direction. All children deserve to be protected. I thank you for this opportunity to express my thoughts.

The Chair: Thank you very much. We have approximately five minutes per caucus. Ms Martel of the NDP.

Ms Martel: Thank you very much for coming here today. Tell us more, please, about the program, because we've heard a number of other presenters make reference to it, specifically: who you're looking to for funding, the resources you're looking for, how many children you think you're going to be in a position to serve, is it a regional initiative, are we talking about northeastern Ontario etc.

Ms Zadra: The program initially is set up for 18 months. We've designed it that way because it is very new and we're not sure how it's going to go. We do realize, first and foremost, that something must be done. We recognize there's a problem and we must act.

The program will deal with prostitutes in the Sudbury area. We don't know how far we'll be able to reach. We're trying to get as far as we can with outreach, with education through schools, with public awareness campaigns. The whole program is designed to begin in September. We are still looking for funds. We've been actively seeking funds to operate the program for several months now. We have gone to the federal Department of Justice. The crime prevention pot hopefully will send some money our way. We have set up some meetings with regional health and social services, and we have also had discussions which will hopefully bring our project to the province and perhaps get some funds through there too.

Ms Martel: The amount of funding that's being requested is —

Ms Zadra: It's in excess of \$200,000 for the program for 18 months.

Ms Martel: This is dealing specifically with those children that the agencies, to the best of their ability, have been able to identify as child prostitutes?

Ms Zadra: Yes. This program is voluntary. There is no way you can drag these kids in and try to make them conform to certain things. They have to want to get help. We realize there may be times when these children will have to come in more than once to the program. The program is very open-ended, so anyone can come in at any time and start receiving assistance. Initially, of course, the program will identify what their needs are, health concerns, addiction concerns and that sort of thing, and then move on to psychological and mental health issues and anything else they may require. It's a work in progress. We know we have to make changes as we move along in the program to improve it, but it's definitely a place to start. We've covered as many bases as we can possibly foresee at this time.

Ms Martel: But you would not be acting as a safe house, in that respect?

Ms Zadra: No. We would like to eventually see a safe house set up somewhere. Right now this is a program that would tentatively run from about 1 in the afternoon to 9 at night, given the fact that children are going to be in school again and some prostitutes do continue with their school work sometimes or else say they are in school when they in fact are working on the street. We're trying to make the hours conform to what we think they will be able to use,

and that may change too. We'll find that out. But right now we're hoping to deal with the kids when they come in on their own. We also hope to deal with the parents of these kids, help them, give them support. As well, we have tentatively worked out an agreement where these kids will not be criminalized.

Ms Martel: Do we have a safe house in this community?

Ms Zadra: Not for these children. There are different areas where they can go. Some are taken to Sudbury Youth Services, for example. Some of the older ones can seek some refuge at Geneva House. But there is no one place for children or women who have this particular problem in their lives.

Ms Martel: So for the purposes of this bill, we need to address that as much as we need to deal with the counselling and programming issues that you're trying to find funding for.

Ms Zadra: In the program right now we're hoping to find maybe some temporary places for them to stay, maybe some willing community members. But there is nothing definite right now. Some safe place which removes them from the dangerous elements in the city would be ideal, eventually.

1500

Mr Jim Brown: Good afternoon. You're probably not aware, but the province itself has a program for crime prevention, called Partners Against Crime.

Ms Zadra: Yes.

Mr Jim Brown: So you are aware. That's substantial, and we're trying to build some public-private partnerships to expand the amount of money available many times what it is right now.

In the discussions that go on, they're children involved in this terrible aspect of criminal activity, really. But it's adults who have got them in this problem, whether it's strip joints, massage parlours or whatever. We're not talking too much about what we should do about the pimps and the johns. It's the pimps and the johns that make the system work, unfortunately. What do you think we can do to attack those adults who are making a lot of money on our kids? What do we do to shut them down? What do we do to attack the root cause of this problem? Indeed, those adults are the root cause.

Ms Zadra: I agree with you. You may know that our local police force has already begun a program that's called DISC: deter, identify, sex-trade consumers. It has worked rather effectively to target the johns in the short time it has been in existence. As far as the pimps are concerned, I'm not sure how you would deal with that. I think police need larger teeth to bite into this problem. They have to be given a certain amount of authority, because what happens in their situation most often is that the girls are the only ones, or the boys sometimes, who can testify against the pimps to bring them forward on criminal charges, and they are very afraid to do this, for very good reasons. If there is some way the police can actually do their work with regard to the pimps, I would like to see that.

Mr Jim Brown: The province has put an extra \$150 million into front-line policing, and we hope that will achieve some relief in that regard.

In terms of what else we can do, my question to some other people who have presented was, what if we had civil enforcement? What if we took the cars of the johns, which would be a very big economic disincentive to get involved in this market, and seized the assets of the pimps and did it civilly, not criminally; actually froze their assets and sued them for cost recovery, the cost to OHIP, the cost of treating their victims and so on and so on; and if we seized the assets of the drug dealers? Pimps and drug dealers go hand in hand. What would you say about that?

Ms Zadra: I would imagine that anything that makes this profession less lucrative for them would probably go quite some distance in dealing with this problem in a beneficial way. My only concern is that some of these activities may be forced underground because of that and therefore we are less able to see —

Mr Jim Brown: They're already underground. By definition, they're already underground.

Ms Zadra: Yes, I know. Further underground.

Mr Bartolucci: Marianne, thanks very much for your presentation. Thanks for leaving some time for some questions. You know section 13 deals with the demand side of this. Do you not think a combined prison sentence or fine of \$25,000, 24 months in jail is pretty indicative that we're addressing the demand side of this as well as the supply side? There are some other alternatives that have been explored in other provinces, such as the suspension of drivers' licenses in British Columbia and the seizing of cars in Saskatchewan, if I'm not mistaken, so there are some other initiatives going on. But certainly I don't think this bill is totally isolated from the demand side, and I think we should make that point clear.

When we define "protective safe house," we're not necessarily looking at putting a lot of money into new construction, correct?

Ms Zadra: Yes.

Mr Bartolucci: Give us some alternatives of where a protective safe house could be.

Ms Zadra: I know through some of the discussions we've had with former prostitutes, for example, that they would like to see something that is, as I said, removed from the immediate threat. They are afraid of the drug pushers who may be after them for some money they owe or think they owe, and the pimps, of course, especially if they're younger, because they want them out on the streets earning money for them. If they can be removed, some of the girls have said, to maybe something like a farm setting, something that's wholesome, something that keeps them away and also is difficult for them to leave — certainly, if it is a rural setting, they can hitchhike and get back into town and get back into work. No one can really stop them from doing that and you're certainly not going to want to keep them under lock and key. This has to be something that is a mindset change for them, something they want to do. But if you can make it easier for them by

making it a little bit difficult for them to get back in to the scene, then I think it's beneficial.

Mr Bartolucci: It could be existing centres that we have already, it could be existing foster homes, it could be existing facilities. We're not looking at spending great degrees of money in building new centres, but what we are very adamant about is that there has to be some type of resources attached to the program side. Correct?

Ms Zadra: Exactly. One idea that was bandied about was some sort of reciprocal agreement with certain agencies, similar agencies or similar programs in other cities. Not only can we take them out of the area but out of the city altogether, so they do not know who the pimps are, they do not know who the other working girls are and it's much more difficult for them to get back into it. As long as they agreed to that, it would probably go a long way in acting as a deterrent for the girls.

Mr Bartolucci: Do we have more time?

The Chair: You have a couple of minutes.

Mr Bartolucci: That's great. Marianne, for the committee, could you please outline those agencies and those groups involved in Unhooked, just to show the broad scope that could be a model for other communities to follow.

Ms Zadra: There are many, and they change from meeting to meeting because time restrictions don't allow everyone to come to every meeting we have. We have people representing sexual assault crisis centres, health, native health issues, spiritual issues, addictions, most definitely, and there are some people who are just concerned citizens and people who come from the life who used to live that life formerly.

Mr Bartolucci: Along with our police services?

Ms Zadra: Definitely. I don't mean to exclude them. Police services, young offender agencies.

Mr Gerretsen: How does the program work?

Ms Zadra: The program has yet to start. But it will work by offering these girls a place to come where they can, at first, as I said, get their immediate needs addressed and assessed, and then take it from there and see what they are willing to do and help them along with any changes they may be wanting to make in their lives.

The Chair: Thank you very much, Ms Zadra, for appearing here today. You've given us a great deal of information and we value it.

Before I call the next presenter, I want to repeat what I said earlier, for members of the public and certainly the media who are here: There are individuals who are appearing before us who are doing so out of courage and conviction and it's important to protect their privacy. I would ask that no film or pictures be taken of the next presenter.

JEAN

The Chair: May I ask Jean to come forward. Thank you very much for being here. I know it can't be easy for you, but we're very appreciative that you're here.

Jean: Good afternoon, everybody, ladies and gentlemen. I first became familiar with Bill 18 when I saw Rick on television talking about the bill and young children involved with prostitution. I contacted him and shared my story with him and told him that if he needed any help I would be willing to give some input. Then Pat Nurmi called me concerning a committee that was going to be addressing this issue. I am sitting on the committee of Unhooked right now as a consultant and an ex-worker.

I'm here out of concern for the young people, not only in Sudbury but all over, who at this very moment are engaging in a sexual act with a stranger or someone they know for money. That is what they call prostitution. Instead of the young ones playing with their friends or oohing and aahing at their teen idols, they are learning the ways of an adult world filled with drugs and crime and selling their bodies, not by choice most of the time.

The world of prostitution is a very dark one. Television tends to glamorize this profession, but when it comes down to the nitty-gritty of it, the whole thing, the act itself is a very dehumanizing one. You can have a limo pick you up, but you are still in a room with a total stranger with sex being the focus. You can have a taxi pick you up to take you to your next date, but you are still lying down with a stranger. You can be walking down the street wearing the most expensive dress and telling yourself that you're better than the other girls, but the fact of the matter is that you still have some old guy lying on top of you wanting you to pretend that you like it, and really you don't even know him. The young ones may not have a choice because if they don't perform and pretend to like it, it could result in a beating, leaving not only physical scars but also emotional ones.

Poverty and abuse, I would say, are two of the contributing factors that would provoke someone into prostitution, poverty because if the finances are not there to support oneself, this alternative work starts to look really good. The lure of easy money has a strong appeal, but it isn't very easy considering the hefty price a person has to pay, ie, disease, low self-esteem etc. I say abuse, because when a child grows up in an abusive environment they are a product of that environment, learning to hate, to be angry, to distrust people, and the list goes on and on.

My personal story involves the things I've mentioned above: abuse, self-hatred, anger, low self-esteem etc. I would ask that you keep an open mind while I share my story with you, not for my own benefit but for others.

My story starts off in Sudbury. I come from a middle-class family and for the first six years of my life lived in the flour mill area. We lived in an apartment building which was owned by my grandparents. Needless to say, being the firstborn, I was my grandmother's favourite and she neglected my other three siblings. Her abusive nature and the love-hate triangle I had with my father and grandmother ended the day she died in January 1997.

I talk about my grandmother because she had a lot to do with my upbringing, whether my parents liked it or not, and they didn't especially. My mother used to fight with

my father all the time about me and my grandmother, which used to make me feel bad.

At the age of seven we moved out to the valley and that's when the abuse started. I was born with a few disabilities, my legs and my eyes. I was told every day that I was useless and would not amount to anything, and I believed it, mostly because my grandmother had pity on me and kept telling my mother to do everything for me because I wasn't capable of doing it for myself.

In grade 2 I got the nickname of "Granny" because I walked slow, wore glasses and talked funny. Along with this name was also a great deal of abuse, which consisted of being tripped, thrown down the stairwells, beaten up in the school yard, along with the relentless name-calling. This ruined any chances I had of a normal childhood or a date in high school, and this lasted until I quit in grade 11.

I remember the feeling of wanting to die at the age of eight and the suicide attempts started at the age of 13. At that time I ended up in the Algoma sanitarium because of my attempt. Being accepted by the other kids was my main focus and I tried hard, especially with the boys because I wanted to be like the other girls. The hatred I had for myself was so strong that I didn't feel loved at home so I went elsewhere to get it. My grandmother babied me, insulted me, put me down and also reinforced the idea that nobody liked me, and I believed it.

I turned to sex as a way of finding love and acceptance. The love and acceptance level I received lasted as long as the sex did, so then I went back to square one, finding love and acceptance, which meant finding someone to be with again. That is when I started getting sex, love and commitment all mixed up. I thought sex was love and I needed a lot of love, which meant it brought me a lot of partners. I basically grew up with no self-esteem, people skills or any social skill required to function in society, get a job or just the basic skills of getting along with people.

I moved out of the house when I was 16 years old, and my grandmother paid for my first apartment. I got on welfare but I was never without money because my grandmother also supported me financially, which hindered me a great deal, but I didn't know that at the time.

I started drinking and doing drugs as soon as I got on my own. When I was 21, my grandmother moved into Pioneer Manor, which meant I was going to be cut off from my money supply, so I had to find a way to get more money because I hadn't really been without.

I had a friend who had a friend who was a dancer, and so she got me in touch with an agent at the Coulson who sent me to the Soo for my first gig. That is when I was first approached about prostitution, about prostituting myself for \$150. I said no, because I didn't do that kind of thing. I was offered quite a bit of money that first week.

After a while, the money that I was offered to prostitute was too good to refuse, so a year and a half into my stripping career, I started making about \$450 or more a day or every two days on top of my pay for dancing. When I couldn't stand the world of dancing any more, I came back to Sudbury, and of course the money wasn't coming in any more like it used to, so I turned to hooking on Elgin

Street, which did not bring in \$150. It brought in \$40 to \$60 if I was lucky, and the guy told me I could get an extra \$20 if he didn't have to wear a condom. I lost out on the extra money because I thought my life was more important.

I valued myself on how much money I received. When I was on the road I got \$150 for my services and I felt great about myself, but when I was at home on Elgin I got \$50 or \$60 and hated myself.

The dancing, the drinking and the prostituting continued until August 1989, when I joined Alcoholics Anonymous and Narcotics Anonymous and quit everything, and then my personal healing journey began. I received a lot of therapy, numerous counselling sessions in treatment centres. I had to learn to grow up and deal with people and learn that I was not the most terrible person that I thought I was.

It has been a very long road in the last nine years. I would like to be honest in saying that when I'm broke I think about going back to the old lifestyle because I have no money, but it's not worth the guilt and self-hatred that the lifestyle brings.

When I was a kid, I didn't say to myself, "When I grow up, I want to be a hooker or a stripper," but that's what happened. The children are the most valuable assets that this world has, because they are the future, and I don't want my future growing up to think that money is more important than self. This is why I agree with Bill 18. That would give more power to the police to go in and remove these kids from a devastating, dangerous situation and lifestyle.

Although I support Bill 18, this is not the solution to this problem. Education and prevention is, which will require financial backing from the government to curb this problem.

In conclusion, I would like to thank the office of Rick Bartolucci for the help with the use of their computer and Pat Nurmi for listening to my tears and comforting me through this process.

If there are any questions, please feel free to ask me now.

1520

The Chair: Thank you very much for your statement here today. We have just over three minutes per caucus. We begin with the Conservatives.

Mrs Ross: Thank you, Jean, very much. I want to ask you a couple of questions. You say that you are involved in the Unhooked committee.

Jean: Yes.

Mrs Ross: Unfortunately, I didn't get an opportunity to ask some questions on that, but one of the things that she talked about was that the program is going to run 18 months. As someone who has some understanding for the problems out there, I'm curious to know, because it's all voluntary, how you would have reacted to a program — obviously you think it's a good program, but how do you get yourself involved in that, committed to an 18-month period?

Jean: I started at the age of 21, but people had tried to give me the help at that time and I refused it. Between 11

and 15, they're minors, so they would have to be forced into it, but sometimes forcing someone into a program might not work. Like Marianne said earlier, it might take two or three times, just like alcoholics. They go through two or three times for treatment before they get it.

Mrs Ross: In August 1989, you said, you joined AA. Are you still a member of AA?

Jean: Yes.

Mrs Ross: Good for you.

A lot of comment has been made about the fact that these are mere children we're talking about, and as horrifying as it is to have them involved in these crimes, there is not enough done to protect them or to penalize those adults taking advantage of these children. Would you agree that there should be stiffer penalties for adults?

Jean: I don't know. Some of these people in prison, it's like a swinging door. They get used to that lifestyle, so that's all they know. Yes, I agree with stiff penalties but also rehabilitation to help these people, because going in and out of jail is not helpful.

Mr Bartolucci: I want to thank Jean for her presentation today. You're a very, very brave young lady, and you know what you have done hopefully is to affect the future of many other children, and I would suggest to you that your contributions here today are enormous. I want you to understand that.

The committee knows how difficult this must be for you, and certainly I do, having witnessed you coming in and out of the office and putting this presentation together. Understand that what you have done today is significant in scope and very meaningful in reality. You have effected change in a very, very positive way. Whether it be defined as Bill 18 or whatever else, know that somewhere along the line, Jean's contribution has been enormous. The children who are affected by this won't be able to thank you because they'll not know that you contributed in a very substantial way, but we do, and you should know that we consider your testimony very, very important. Thank you very much.

The Chair: Mr Gerretsen, do you have a question?

Mr Gerretsen: No, only that I think you have given very stunning testimony here today, very stirring. Thank you.

Ms Martel: Thank you very much for coming here today to share your story with us. Tell me, what was it that finally allowed you to decide, first, to get into AA, and second, to make a decision to leave the sex trade?

Jean: My drinking had taken over my life. I was not nice to be around; that's what a lot of people told me. My aunt came into my life, who is in AA, and convinced me that I didn't have to live like that any more. I didn't believe her. Being in that kind of life, you get used to it. I got used to it and I thought that was the only life to live. I basically went into AA just to shut my aunt up, because I got tired of her telling me all this stuff. "You can change." "Yeah, yeah, right." So I went into AA and then I stayed, but not without a lot of therapy, a lot of counselling, numerous treatment centres to get me here.

Ms Martel: Your addiction, in relative terms, started much later than some of the other kids that we've been focusing on today.

Jean: I think my addiction started when I was two, because I started sipping on my dad's rye and Coke to have that little bit of alcohol in my system. At the age of eight, I started raiding the liquor cabinet.

Ms Martel: In terms of making the conscious decisions you did to get into AA, to leave the sex trade, you were older in relative terms than a number of —

Jean: Yes.

Ms Martel: You would have never gotten out of this had you been 12, 13, 14 and left to your own devices in a voluntary way. You would have had to have been apprehended in the same way that this bill focuses on apprehending children to start to make a difference.

Jean: Yes.

Ms Martel: You just could have never made those choices, for all kinds of reasons, at an earlier age.

Jean: No. If I had a role model who I looked up to who came into my life and told me that I didn't have to live that way, like my aunt when she came into my life at the age of 25, then it would have probably mattered, made a difference when I was younger. At the age of 15, when I started going with boys, I think if I knew that I could have gotten money for what I was doing, I would have taken it.

The Chair: Thank you very, very much, Jean. I speak for the whole committee when I say that what you did here today was very brave and we appreciate your being here.

SUDBURY SEXUAL ASSAULT CRISIS CENTRE

The Chair: May I ask the Sudbury Sexual Assault Crisis Centre to come forward, Alexandra Dean. Welcome. Thank you for being here. You have 20 minutes for your presentation. Whatever time you don't use, we may follow up with some questions.

Ms Alexandra Dean: That sounds great, thank you. As you know, my name is Alexandra Dean. I'm the office coordinator of the Sudbury Sexual Assault Crisis Centre.

I'm here as a representative of our organization in support of the passing of Bill 18. The bill itself is not difficult for us to support, as it represents one of the main philosophies of our centre. That is to eliminate sexual violence against women and children, as well as to ensure and work towards an egalitarian society that values and honours these members of our communities. I'm sure that's a philosophy and ideology that everybody here also shares.

The whole purpose of this bill is to protect the rights of children, whether they be sexual, emotional or physical rights. It is incumbent upon society and all of us individually to ensure the safety of children. As human beings, we must all be concerned with what's going on in this world. We are a collective, the result of collective influences, forces and conditions. What affects one person in the context of exploitation affects all of us, our families and our communities. By accepting the objectification and

abuse of children, our passivity will have detrimental consequences on the living conditions of our present status and that of future generations.

When anything threatens the rights of our children and threatens our children, we have to decide on what is the right action. But what is the right action? One that gives children an opportunity to grow up without violence, oppression, subjugation and violation of their bodies and spirits. We all have a vested interest in creating safety for all of our children.

So why do children and youth become involved in prostitution? As with all social issues of concern, there are root causes for their existence. Child and youth prostitution is a painful and difficult survival strategy for many. In many cases, teenage and child prostitutes have entered this field as a direct result of sexual, emotional and/or physical abuse within the context of their homes and their environments. Another common reason for juvenile prostitution is due to the fact that they are being forced to enter the sex trade by a person who has been trusted by us to take good care of them — their parent, their guardian, or somebody who is in a position of authority.

1530

Youth prostitution is personally dangerous and destructive in terms of self-alienation and proclivity for violence inherent in this activity. Though many youth first experience some form of prostitution at home, most join the ranks of over one million runaways each year. They act on a healthy impulse for survival by escaping home situations that include neglect, divorce, physical and sexual abuse.

Introduction to prostitution usually occurs through initial contact with a customer. A man drives up to them on the street or picks them up while they're hitchhiking. He offers money to "help them out." The deed in exchange is sexual. The youth is seldom surprised, since the dynamics of their home life have contributed to this behaviour as an option. Frequently, youth recall a sexually negative childhood label pronounced by a significant family member before the child was seven years old. If the youth's behaviour persists, as necessity may dictate, she becomes vulnerable to the pimp, who offers food, shelter, clothing and discipline, which is usually interpreted as genuine caring through the provision of structure and control.

The youth is visible on the street and is either approached directly by a pimp or introduced through other street people within a week. If the youth does not willingly accept the pimp's offer of protection, direction and support, intimidation and threats of violence are sufficient inducement to concede. The youth in prostitution lives a structured, controlled and very monitored life under the watchful eye of the pimp. Nevertheless, it is an adult lifestyle involving alcohol, drug use, after-hours bars and sex for trade. Their activity is always known and their movement is severely restricted according to the pimp's wishes.

The families of children in prostitution are usually unstable and disordered in the extreme. They often become so extended that family history is almost impossible

to determine. Step-parents and foster siblings further complicate the situation, since they may change frequently. Only 2% of families with a child in prostitution contain both natural parents. Another mitigating factor in the youth's dysfunctional family is the almost total lack of structure. The youth receives few guidelines on how to spend time, define self and view the future. Chaos demands attention to the problem of finishing the day with little motivation or energy for reflection on the quality of that experience and how it impinges on the youth as a person. Consistency and limit-setting are conspicuously absent. Sadly, the only consistency in many of these children's lives is the threat or realization of neglect and abuse.

The preponderance of juveniles in prostitution with a history of abuse is striking. Statistics always vary; however, it has been estimated through studies that 95% of youth in prostitution are victims of violent physical abuse, 90% are victims of sexual abuse by a non-family adult and 80% are victims of blood family incest. One myth surrounding prostitution is that a sex trade worker cannot be sexually assaulted. However, 85% of young prostitutes are raped, beaten, sodomized and abused by either their customers or pimps.

One of the problems with the laws regarding prostitution is that there is little distinction made between adult and juvenile prostitution. There is a very distinct difference with relation to the dynamics of their lifestyles and their needs. Typically, youth are arrested and either returned to their homes or placed in a juvenile facility. Due to the root causes I've just mentioned, especially in the case of incest survivors, when the juvenile is returned home they will most likely run away again, and this only continues the cycle. Rarely do they receive any counselling, support or assistance.

This bill takes this important aspect into focus by attempting to create a method of facilitating change and support in the juvenile's life. By creating a safety net for these youth, social service providers, law enforcers and mentors can become more involved in what is happening in the child's life and why they are in the sex trade in the first place. These providers will be in a better position to provide support and alternatives to both children and their families.

I trust that with this information it is not difficult to see why the passing of this bill is a positive step. What sadder commentary on our social behaviour would there be than to sit idly by and not do anything to create change? Now lack of information or ignorance is no longer a rationalization for passivity. Knowing that the life of a young prostitute is filled with violence, abuse and fear, it is our obligation as human beings to do something about it. Not responding to this social issue reinforces the idea that the body is a commodity and does not belong to the person.

There is an old African proverb that states it takes a whole village to raise a child. Our communities need to work together in ensuring that a child's life is filled with love and honour, not neglect and pain. Our responsibility in raising children is to teach them above all else to

respect others and themselves. But when the paramountcy of self-respect and love is not given to children, but rather violence, threats, self-destruction and fear, then it is tragically all too clear why some youth get involved in prostitution.

Our silence does not protect them but further perpetuates the false lessons they have learned about objectification and non-value. Prostitution is not isolated from us; it is not something we can ignore. Your support of this bill is the first step in ensuring that the lives of our present youth and future youth will be protected.

The Chair: Thank you very much. We have a few minutes per caucus. We begin with the Liberals.

Mr Bartolucci: Thanks very much, Alexandra, for an excellent presentation. A twofold question: First, at the assault crisis centre do you see children between the ages of 12 and 17 coming in who are physically abused related to prostitution?

Ms Dean: Do you want me to go with that one first?

Mr Bartolucci: Sure.

Ms Dean: Within the context of the centre we're certainly aware of the prostitution that is going on in this city. It is incumbent upon us by law that if we hear of anybody under the age of 16 we do have to report that, so no, we don't specifically see children under 16 years old. However, through discussions with other people who either know them or have seen them, either friends of theirs or potentially family members who are worried about them, we're well aware of it. The majority of the women we serve are incest survivors, so in that context as well, there are a lot of women who may no longer be in the sex trade who have this history. So we know this isn't an anomaly.

Mr Bartolucci: One final question: I mentioned this earlier this morning, but a part of this bill that I consider to be significant suggests that the minister would implement some type of programming, whether it be education, treatment etc, or a combination of many. Do you see this as vital to the success of eradicating the problem?

Ms Dean: Oh, it's essential, absolutely essential. As I said, there are so many root causes to the problem that if you simply put a band-aid on it, that doesn't solve anything. You have to look at providing services and support and alternatives for children and for their families as well in terms of how we can support these kids, how we can support each other in creating change. Also in the context of sexual violence, by nature we need a lot of education on that.

Ms Martel: Bearing in mind that the victims you see and deal with in the centre are usually incest survivors and not child prostitutes, tell me a little bit about what services you are in a position to offer or can access, what they are, are there waiting lists, and if you were to put this bill into place, what would it mean about what we have to do to make sure we can have child prostitutes then access those services?

Ms Dean: We are involved with the Unhooked program as well. There are two things, actually, that our centre is involved in in terms of providing support. One is

that we have a 24-hour crisis line, and that allows children to access somebody, whether it's 4 o'clock in the morning, and that's already in place. We're also potentially going to be opening our doors one night a week for places for people to go, a safe space to go until the facility that is intended to be created, pending funding and all that great stuff, is happening. In terms of waiting lists, currently we don't have a waiting list, which is actually really great. That's an unusual thing. Certainly we would be able to provide services in terms of one-on-one counselling as well as group services. That's something that is also very helpful.

1540

Ms Martel: What do you do about counselling for drug or alcohol addiction if your survivor comes in with that as part of their dilemma?

Ms Dean: The main focus of our counselling services and our resources is around sexual violence, so if somebody is coming to us around that context and there are other things involved in that, we would be able to provide some services in terms of alcohol and drugs as they relate specifically to sexual violence. If somebody is coming to us because they're looking to get off either drugs or alcohol, we would refer them, because that's not our resource.

Mr Jim Brown: Good afternoon. Thanks for the great presentation. In your presentation and several presentations throughout the day, people are talking about support for the victims, the kids. I keep coming back to the adults who are involved in the trade who make it happen and what we can do about those adults: the pimp-cum-drug dealer, the john. My suggestion is that we take the car of the john, which would make a truly effective weapon to stop the business, and go after the pimp-cum-drug dealer and seize their assets and do whatever we can to take away the incentive for doing business. I'd like your comments about that and what else we can do to get at the real root causes, which are a bunch of ruthless adults, called pimps and johns, who are using the kids.

Ms Dean: What we can do to create change in that?

Mr Jim Brown: Yes, and go after the people who are really causing the problem.

Ms Dean: It's a really complicated question, actually. It's not something that can be answered really quickly.

Mr Jim Brown: But you'd agree that those are really the catalysts to this whole problem we've got? If it weren't for pimps and johns, we wouldn't be talking here today.

Ms Dean: No, actually I don't agree with you on that. I agree that this certainly is a big part of the problem, that if there aren't people there using these services, then there's no service. However, simply in terms of our social conditioning, we don't believe children when they tell us that they are being hurt at home. That's a big problem.

Mr Jim Brown: But if there were no pimps and johns, there'd be no trade; there'd be no prostitution. There might be some other problems, but the problem of prostitution, if there were no pimps and johns, wouldn't exist.

Ms Dean: That's half the problem. That's the point I'm trying to make. I agree with you that there have to be stronger deterrents to keep people from using these services, but what I'm trying to point out is that that's only half the problem. If those customers are not there, you still have the issues related to why these children are getting involved in prostitution in the first place.

Mr Jim Brown: There wouldn't be any prostitution, but the kids still may have a problem; I give you that. But if we were tougher with the guys who are making it happen, we wouldn't have it happening.

The Chair: Thank you very much, Ms Dean. We appreciate your being here and giving us your experience at the centre.

ELIZABETH FRY SOCIETY,
SUDBURY BRANCH

The Chair: Heather Campbell, president of the Elizabeth Fry Society. Welcome, Ms Campbell. We're delighted to have you here and we're looking forward to your presentation.

Ms Heather Campbell: It's going to be brief. I'll just read from what I've written here today.

I am responding on behalf of the Elizabeth Fry Society, Sudbury branch. My position within the agency is president of the board of directors. Our mandate as a non-profit agency is to assist women who are in conflict with the law or at risk of becoming in conflict with the law.

We have historically assisted older prostitutes who have been placed in jail for soliciting, their history having begun as young teens escaping abusive situations and finding only the street as an alternative. Growth, education and opportunity were all taken away. Trying to escape their present circumstances, they find themselves on the street. Knowing no better, they rely on adults who have made the streets their home.

The fear of going home to a dysfunctional environment, a need for drugs, a need for love and caring by some adult figure all contribute to a blurred sense of reality. Soon it leads to drug use, disease, debt, daily violence and sometimes suicide. This must be stopped.

As an agency working with women who have participated in the sex trade for long periods of time, one factor remains clear: The earlier a young person begins their prostitution activities, the earlier they will be exposed to other criminal activities to survive. This bill will be another step in acknowledging the importance of children in our community, children who are often ignored, children who never escape the street.

We at Elizabeth Fry Society want to also address these children and, as a community agency concerned, support Bill 18. We believe that children under the age of 18 do in fact require community action to protect them from the sex trade industry. However, we also want to make very clear that we want to assist these children to avoid being criminally charged and getting trapped in the justice system like many of their older colleagues. These measures must be supported by making sure that there are safe houses,

programs and support to address all issues that lie underneath their reasons for ending up on the street.

As our work is focused on assisting these children, there is a need for further action to divert those forcing young children into the sex trade for their own uses. We at the Elizabeth Fry Society, Sudbury branch, are committed to providing programs to assist these children to leave and prevent those lured into the sex trade.

The Chair: We have approximately six minutes per caucus. We begin with the New Democratic Party.

Ms Martel: Thank you for coming today to present to us. Tell me about some of the other conflicts with the law that women who come into your care — and I use that in the most positive sense — have experienced outside of prostitution. What else is happening in their lives?

Ms Campbell: Mainly drug use. Oftentimes they will be charged for drug use, shoplifting, very minor offences, but it gets them behind bars. It doesn't address the real issues of why they're there.

Ms Martel: As I understand it, you've worked out some agreement — I don't know if it's been formalized or not yet — with the Sudbury Regional Police, that young children who participate in the new program that you want to put forward are not going to be charged. Is that correct?

Ms Campbell: Nothing's final yet, but that's what we're working on.

Ms Martel: I was told earlier that there would be only one or two other occasions where any police force has entered into an agreement like that. Is that true?

Ms Campbell: That sounds true, yes.

Ms Martel: So what they will be hoping to do is that on a voluntary level, if they are apprehended, they will be able to make some kind of choice. In fact, they'll enter this program, and as a result of entering the program there will be no charges laid.

Ms Campbell: The program you're talking about, Unhooked — I don't know if it's been discussed already today — is an alternative. Most often the girls end up in jail. There's no programming. This program will be able to divert them from being behind bars and get them into a program to address the real issues behind what's going on in their lives.

Ms Martel: The older women — I'm careful about how I use that — who come in, who start to deal with E. Fry I'm assuming come into your care for help after they've gone through the whole process of being charged, some kind of jail or probation etc.

Ms Campbell: Yes.

Ms Martel: At that point, they may or may not have had a long history of any kind of other criminal activity as well — and I say "criminal" in the sense of victims of crime — that you certainly want to try and overcome at a much earlier age, hence the focus on the new program dealing with kids at a much younger age.

1550

Ms Campbell: The Unhooked program is designed for underage; however, we still have our existing programs that address the other prostitutes who come to us anyway because they're in the criminal justice system.

Ms Martel: What programs are you in a position to offer for older prostitutes?

Ms Campbell: We basically just have the direct service where we go into the jail and talk to them. They have one-on-one counselling. They have group counselling. This has all existed for a long time, so it's still there. The difference between the older prostitutes and the younger is that the younger — and this bill means we have an opportunity as adults to direct them into programs that'll help, whereas for the older it's their choice. Oftentimes eating versus going to the program — you can't address it for them. They're in survival mode by that time.

Mr Jim Brown: Good afternoon. You're talking about a pre-charge diversion program, I think.

Ms Campbell: Yes.

Mr Jim Brown: We call it citizens' court, and the crime commission has made a recommendation on exactly what you're talking about. There has been a very successful operation in Cornwall for the past four or five years. They've been using post-charge, so after the charge has been laid by the police it goes to a community tribunal, which decides some sort of sanction for young people, whether it be a combination of restitution and community work, an apology or whatever.

We've recommended that we expand that program and that we go to 10 pilots and carry on from there. It's been very successful in Manitoba, where they have 70 such tribunals basically modelled after the sentencing circles of the native Canadians. I just wanted to let you know that that's high on our hit parade and we'd like to talk to you more about that.

Having brought that to your attention, I'd just like to pass the microphone over to Lillian Ross.

Mrs Ross: It's your organization that's working on the Unhooked program?

Ms Campbell: Yes, it is.

Mrs Ross: OK. We've heard a lot about the fact that you can't force these children to do certain things, that it has to be voluntary and that sort of thing, yet this bill gives police the power to get children off the streets. I would say that would probably be an involuntary action on the part of the children. I'm curious to know from your perspective how you think that would work. When we say that if they don't want to get the help, that they have to want the help first to be able to get the help, can you help me understand this?

Ms Campbell: That is a tough issue for us at Elizabeth Fry because we do not want to support anything that encourages incarceration, encourages situations where they get used to police custody or police involvement in their lives. Right now they're afraid of the police and they avoid them, but once you get in the system you get familiar with the process of the system and you can then deal with it and it just becomes a part of your life.

One thing that Corrine Fewster had mentioned once at one of our meetings was that she really cares about the girls out there and the only thing she could do to take the girl off the street was to put her in jail. For that moment, I hurt. You know what? Sometimes we only have the choice

right now to use these measures to get the girls off the street. At the same time, doing that, we have to create a program so they're not in jail but they're in a safe place. If we're going to do that, OK, but let's make sure it's with something that supports it.

Mrs Ross: I'm in favour of this bill, by the way, though I'd like to see some other things included in it. But one thing I wanted to ask is that the lady who was here from the health unit said the same thing, "We need to go to them," and Elizabeth Fry goes to the group of ladies they help. How would you suggest you could go to these children to help them as opposed to them coming to you? How would that work?

Ms Campbell: It's like Corinne Fewster being on the street. They know her. We'll have outreach people they will get used to. It's a trust situation that will eventually develop. Also, having a program there in the city, they will get used to it. "OK, I know it's there. I may not go today; I may go tomorrow or I may go next month." But just having it exist and having the community support it is fantastic.

Mr Gerretsen: We've heard an awful lot about Elizabeth Fry's activities here in Sudbury. I come from Kingston, where Elizabeth Fry and John Howard play a tremendous role because of the seven penitentiaries we have in the area. What is the institutional set-up here in Sudbury? You really don't have any provincial or federal institutions here, do you?

Ms Campbell: We just have the Sudbury Jail, which is provincial.

Mr Gerretsen: Right, OK. How large is the Elizabeth Fry here in Sudbury?

Ms Campbell: Very small. We have undergone some drastic funding cuts in the last two years. In the process, though, we said, "Let's look at where our community stands and what our community needs," and that's how we discovered that child prostitution was a problem. We come across a lot of prostitutes in our work in the jails, and it made sense. We still look after the women who end up down south in the federal prisons. We have lots of work, not necessarily lots of dollars.

Mr Gerretsen: In other words, it was a definite need that your board of directors identified here and that's how you got involved in it.

Ms Campbell: Yes.

Mr Gerretsen: Obviously, we don't like to talk about funding, particularly in this climate of economic government etc, but funding is important, whether it comes from the federal or the provincial government. None of this will happen without the resources. Have you made any kind of budgetary projections of what it would cost to set up a safe house kind of environment in the Sudbury area? Has that been done at all?

Ms Campbell: The best we have been able to do is set up a program that deals with the problem for a certain number of hours a day. It's not necessarily a safe house, because a safe house requires safety. These people on the street make their money off these kids and they're not just going to give it up. They go to drastic measures to

maintain it, so safe housing is another issue that needs to be looked at.

Mr Gerretsen: It seems to me you need, obviously, a facility that will be staffed 24 hours a day by some sort of supervisory person. For most of the programs I've heard about so far, those facilities are only open during the hours when probably the prostitution trade isn't at its heaviest, in other words, during the day. From the little I've heard about it, most of the activity takes place after dark, whenever that comes, until well into the small hours of the morning. That's when a lot of it seems to be happening, and that's when the safe house facilities or the other facilities don't seem to be available at this stage.

Ms Campbell: What we've come up with is just something that's, to me, small in addressing the problem, and the same with the bill. It's something that is just going to start moving us in a direction that says that as a community we think it's important to put a little bit more money and a little more effort into creating — I mean, what do you address first? Do you address the kids? Do you address the drugs? Do you address the pimps? Where do you start? For Elizabeth Fry, we're doing what we can, and that is that we know how to help women who are in conflict with the law.

Mr Gerretsen: Great.

Mr Bartolucci: Thanks very much for the presentation. You know that the legislation certainly — Elizabeth Fry took an active part in discussing this in Unhooked. There is some aspect in the legislation which deals with the assessment of children in need of protection. From your experience and your society's experience, is that an important component? Is that a component that must stay in this bill?

Ms Campbell: Without thinking too hard on it, I'm going to say yes, because you don't know where the kids are coming from. Sometimes it's the home situation that has created why they're there; maybe not. Some of the kids are in fact living at home.

Mr Bartolucci: As a follow-up to Lillian's comments, and I agree most definitely with them, you're not going to be pulling kids off the street and forcing them to go into these programs. That's not going to work. But what you might want to do, once you get these children in — and the initial aspect may be one that's negative, but if it produces a positive result, which can best be handled through some type of assessment, I would suggest it's an important part in the success we all want to achieve, wherever we are.

I know you said children up to the age of 18, so you're most adamant in your defence of me putting 16- and 17-year-olds into this legislation.

Ms Campbell: Definitely. At Elizabeth Fry we look at all ages, but we see your concern for those under 18, because that's where it starts. Let's do a preventive thing and look at them when they get in.

Mr Bartolucci: That's great.

The Chair: Thank you very much, Ms Campbell. We appreciate your being here late in the day to tell us about Elizabeth Fry and your good works.

Members of the committee, we are a bit ahead of schedule. You may have noticed that we had a cancellation earlier in the day. Our next presenters are not here yet, I am advised, so we'll take a recess until they come.

Mr Bartolucci: Madam Chair, the last two presenters aren't here yet, but we did take the liberty of phoning the children's aid society in the event that whoever comes first will take that presentation.

The Chair: That will be fine. I think in any event we need a recess, so I propose that we take 15 minutes and see who shows.

The committee recessed from 1604 to 1616.

SUDBURY-MANITOULIN CHILDREN'S AID SOCIETY

The Chair: We're back in session. We have with us Marion Roberts of the Sudbury-Manitoulin Children's Aid Society. Thank you very much for being here. You have 20 minutes for your presentation. In the event that there should be some time remaining, I hope you won't mind entertaining some questions from the members of the committee.

Ms Marion Roberts: Not at all. Thank you, Madam Chair, for the opportunity to present an analysis and critique of Bill 18.

Having spent the past 22 years working in child protection, I'm absolutely firm in my belief that children have inherent rights to be safe from all forms of harm, and that when that harm is of a serious nature and children cannot be protected within their own homes, they have the right to be safe and to be cared for by the state.

I was compelled to respond to Bill 18 because I believe it is crucial that when we take steps to protect children from harm in our society, we do so exercising care and attention to the interests of all parties. I am concerned that the proposed legislation infringes on the civil liberties of 16- to 18-year-olds, dismisses the constitutional rights afforded individuals under the Charter of Rights and Freedoms, and does not take into account existing provincial legislation, namely, the Child and Family Services Act and the Consent to Treatment Act.

I believe that if this bill were to be proclaimed into law, there would be serious effects on the children it purports to serve and ultimately would not serve its stated purpose. In this brief I will detail three major issues: (1) intent of the proposed legislation; (2) warrants and restraining orders; (3) protection of youths 16 to 18 years of age.

A larger concern I have is how governments and society in general are ignoring the underlying social, economic and systemic issues that lead children and youth to the streets in the first place. If this bill becomes law, we will be unfairly labelling abused children and youth and detaining them when the fault does not lie with them. Child and youth prostitution is a complex social ill with a myriad of underlying causes. To propose legislation to deal with child-youth victims of prostitution is addressing the problem as one of individual fault. In doing so we neglect the social conditions of inequality, powerlessness, poverty, unemployment and homelessness.

I will conclude the brief with recommendations and alternative strategies for consideration.

Child prostitution is not a new phenomenon. It has existed for centuries. The United Nations Human Rights Commission has reported that there are close to 10 million children globally engaged in prostitution. In 1997 the United Nations children's fund declared violence against women and children is the most pervasive violation of human rights in the world today. This is compounded by those who are displaced, have no visible means of support and are without shelter. How do children become engaged in prostitution? Why is the problem becoming more prevalent and what are the contributing factors that make the prostitution of children a thriving industry?

Circumstances vary. However, there appears to be consensus in the literature. The factors contributing to prostitution are documented as follows: 85% to 90% of child prostitutes come from abusive backgrounds. It is estimated that abuse in the family is the single strongest indicator of children being drawn into the commercial sex trade industry. As a result of their vulnerability, they are prime targets for exploitation from adults, who lure them into the streets. Poverty ranks high as a contributing factor as well.

When children and youth escape abusive environments, they generally have no income and are homeless. Again, this leaves them vulnerable and open to be targeted by adults who would exploit and harm them. The National Victim Center in the United States has reported that pimps control children through battering and threats of violence or by forced use of alcohol and drugs. Al Erickson, who founded the Alliance for Speaking Truth on Prostitution, is quoted as saying, "A former pimp told me how easy it was to identify kids who'd been abused and get them involved in prostitution." The Exploited Child Unit in Washington reports: "The child prostitutes coming from abusive backgrounds are suffering from low self-esteem. Once on the street they are alone and often hungry and homeless. They are vulnerable to attention. Pimps seduce these children. Once they have gained the child's trust, a dependency is created and once the child is emotionally and financially dependent on the pimp, the child is introduced to the world of commercial sexual exploitation."

What we have here is adults exploiting children for financial gain and there is no compelling evidence that I can see in my review of this issue that merely removing children from the street will serve to accomplish anything other than adults who exploit children putting new children on the street. For every child we remove, another one will take its place. Make no mistake about it, child prostitution is a sex trade that is an extremely lucrative business.

I'll deal first with the intent of the legislation. The preamble of the proposed legislation articulates, "The people of Ontario believe that...the safety, security and well-being of children and families is a paramount concern" and that "children engaged in prostitution are victims of sexual abuse and require protection" and that the "legislation is required to ensure the safety of all

children and to assist children in ending their involvement with prostitution."

There is no one here, I'm certain, who would argue with this. I too believe that children are to be safeguarded and that children are victimized and require protection. However, it is at this juncture that I fundamentally disagree with the proposed legislation. It is simple, really. We have in Ontario legislation to protect children, including children who are engaged in prostitution. I fail to see the necessity of introducing new legislation to protect children when it already exists. The Child and Family Services Act, which mandates children's aid societies, ensures the safety, well-being and protection of children in Ontario.

My position is that all mandatory services to children be under one umbrella, namely, the Child and Family Services Act. I can see no legitimate reason to have two distinct pieces of legislation dealing with the protection of children. I foresee lengthy delays and confusion for the courts, police, child protection workers and the children and families we serve.

Second, warrants and restraining orders: There has been much debate in the media that this legislation will allow police to apprehend with or without a warrant. Again, I'm at a loss. Currently there are those exact same provisions in the Child and Family Services Act for both police and the child welfare worker to apprehend with or without warrants. Therefore, I do not see that this adds to what already exists.

The new bill boasts the ability to seek restraining orders if there are reasonable and probable grounds to believe a child has been harmed or is likely to be harmed or if they have been encouraged into prostitution. Section 80 of the Child and Family Services Act stipulates that the court can already make an order in a child's best interests by restraining or prohibiting a person's access to a child or contact with a child. I believe that the proposed bill's section on restraining orders is more restrictive than what currently exists. The Child and Family Services Act, section 83, also provides for those who would interfere with a child and induce that child to leave care and also to detain or harbour a child.

Third, protection of children between the ages of 16 and 18: The Child and Family Services Act presently allows for children's aid societies under certain circumstances to provide a voluntary service to 16- and 18-year-olds. Unfortunately, the province does not fund this service. Bill 18 proposes to offer a mandatory service for youths 16 to 18 if they are involved in child prostitution, ostensibly because the bill defines prostitution as child abuse. What I fail to understand is why this province would support children between 16 and 18 only if they were identified as prostitutes. What do we tell victims of sexual, physical or emotional abuse if they are between the ages of 16 and 18? The answer seems to be, "If you're not a prostitute, we can't help you."

As a children's aid society, we would not be opposed to providing child protection services to age 18. However, it is our opinion that such a service would have to be on a

voluntary basis, and for all forms of abuse and neglect, not merely prostitution. The province would need to carefully plan for the increase in costs that would be associated with such a change.

The bill as it now stands proposes that police will apprehend, with or without a warrant, youth engaged in prostitution. Once apprehended, they would be returned to a parent or brought to a protective safe house. Only then are they required to inform a child protection worker. It then becomes the child welfare worker's responsibility to bring the matter before the courts under the Child and Family Services Act. We're very concerned about this section. The authority and responsibility to justify a police apprehension falls to child welfare workers. We do not believe that we would obtain a protection order based on third-party evidence.

Bill 18 proposes that the child welfare authority has the authority to confine the 16- to 18-year-old until there is a disposition. Our experience has been that there are lengthy delays in obtaining dispositions. Does this mean then that we confine youth for indeterminate periods of time when they have committed no crime? As I'm sure the committee is aware, child prostitution was decriminalized with the introduction of Bill C-15 of the federal government some time ago, so we would be detaining 16- to 18-year-olds when they've committed no crime.

The Canadian Constitution guarantees that all of us have the right not to be deprived of "life, liberty and security of the person...except in accordance with the principles of fundamental justice," the "right to be secure against unreasonable search or seizure" and the "right not to be arbitrarily detained." These are rights we all enjoy. In Ontario, individuals over 16 are considered adults unless they're subject to an order under the Child and Family Services Act. Bill 18 proposes to strip individuals of their rights under the charter.

Ontario has a Consent to Treatment Act. Everyone in the province with the capability to understand the treatment proffered and the consequences of the treatment has the right to refuse. The only exception is if the individual is certifiably a danger to self or others. Therefore, Bill 18 attempts to take away rights afforded youth in various pieces of legislation merely because they're involved in socially unacceptable activities.

From my experience, children involved in child prostitution have more often than not been physically, sexually or emotionally victimized as young children. They often suffer from mental health or psychiatric disorders. It is offensive that children and youth be further victimized by detaining them in safe houses while the procurers are dealt with under the Provincial Offences Act. Ultimately, children and youth become further victimized.

I have a number of recommendations I'd like to make. The bill is not yet law. I urge the committee to recommend to the government that it not be passed into law. I respectfully suggest the following, which I believe will address the issues and concerns that prompted Bill 18 to be introduced in the first place.

Firstly, I would recommend that the Child and Family Services Act, subsection 37(1) be amended regarding the definition of "child" to include 16- to 18-year-olds.

Secondly, I would recommend that we amend the Child and Family Services Act, section 81, dealing with restraining orders, to give greater latitude in seeking orders without the requirement of a finding.

Thirdly, I recommend that we amend the Child and Family Services Act, section 83, dealing with interfering with a child subject to an order, to include those who are being provided a service without the requirement of a finding.

Fourthly, I would recommend that we amend section 85 of the Child and Family Services Act dealing with fines. Currently, the offences act fine for interfering with a child is \$1,000. I would recommend that this be raised to \$25,000 as a deterrent.

I would further recommend that the enforcement of the Criminal Code dealing with procurers of children for the purpose of prostitution be more strictly enforced.

I would recommend that the provincial government fund child welfare agencies more adequately in order to effectively protect children from all forms of harm.

I would recommend that the provincial government adequately fund police forces and the Attorney General's offices for the enforcement of criminal provisions which are already in place.

I would recommend to the provincial government that funding for adequate treatment programs for victims of abuse be a priority, and that there be a commitment for programs aimed at prevention, early intervention and ongoing support services for victims.

I would recommend that the provision of services for youths 16 to 18 be provided on the basis of mutual consent, to incorporate rights and freedoms.

Lastly, I would suggest that the committee lobby the government for the reinstatement of welfare benefits for youths between the ages of 16 and 18 years.

In conclusion, I would just like to say that child prostitution is a very complex issue. There are no single solutions. Concerted efforts are required to eliminate the proliferation of child prostitution by tackling it, not from a victim's perspective but rather through a multi-systemic and strategic fashion. We do not need new laws. We need to strengthen existing laws, while ensuring at all times the integrity of the individuals we serve, and to ensure their rights are protected.

We all have a collective social, moral and ethical responsibility to children, their safety and well-being. Let us not hastily attempt to address a serious problem such as child prostitution without long and careful public debate from informed persons.

1630

The Chair: We have a limited amount of time for questions: two minutes per caucus, beginning with the Conservatives.

Mr Gerretsen: On a point of order, Madam Chair: Since this is the first presentation we've had that is against the bill, I wonder if by unanimous consent we could allow

the questioning to take, let's say, five minutes per caucus. It is a different viewpoint than we have heard today. I have some questions; other members may as well.

The Chair: I have no problem with that. Our major difficulty is the plane we have to catch. Within those time constraints we have very little latitude. We can try for a couple of extra minutes, but I would ask members to be judicious.

Mr Brown, do you want to start?

Mr Jim Brown: Yes. You touched on all kinds of stuff. Some of what you said I agree with. Let's look at consent to treatment. I think you said there's nothing wrong with the consent to treatment. As a member of the crime commission — we've been all over the province. We've heard parents break down and cry when they say they've lost control of their kid, that the kid refuses to take treatment, that they can't do anything about it. I know there's one case in Chatham where the kid had emotional problems and it was recommended that he take treatment. The parents wanted him to take treatment. The kid told the parents, "Get lost." The kid didn't undergo treatment and it got worse and worse. So I question whether the Consent to Treatment Act in its present form is good.

The Child and Family Services Act, the CFSA: I've been told that, for example, there's a curfew there, midnight to 6 am, for kids that is covered under the CFSA. I've been told that some police departments don't enforce that curfew because they don't have protection against liability for apprehending the youngsters and taking them back to either their parents or guardian, as the officers have in the Criminal Code. Therefore, they don't get involved. I'm wondering whether that lack of protection for police officers renders some of the provisions of the Child and Family Services Act really impotent.

Thirdly, I'd like to say that this government has probably done more for victims than any other government in Canada. While we're talking about that, I'd like to point out that \$150 million has been set aside for more front-line policing, to address your concern in that regard. We have an OPP cadet program that will increase the number of police officers on the street.

The real germ of what I'd like to say to you is that for the whole day we've been talking about Mr Bartolucci's bill, which I kind of like, but we seem to miss the bad guys in this situation. I would like your comments. The bad guys are adults. They're generally referred to as johns and pimps, and the pimps have a side business called drug dealing. We miss them completely, both in what we're doing now and in this bill, though this bill is a good attempt at coming to grips with a serious problem.

One of the things the crime commission has looked at is civil liability for drug dealers, civil liability for johns or pimps. What I mean by that is to seize their assets, realize on their assets and claw the money back into the victims of their crime, because it would take away the incentive to make money and that would discourage them from getting involved.

Kids are kids. We've got adults who are taking advantage of these kids and I think we have to direct our

attempt at the adults. When the federal government allows consensual sex, even with consideration, 14 and up — my goodness, that's pretty bad. But we have to deal with that, and one of the ways of dealing with it is constitutionally, provincially, civil enforcement, going after their assets to discourage them. If you have any time left, you could respond to that please.

The Chair: I'm going to allow the comment, Mr Brown.

Mr Jim Brown: Thank you very much. Madam Chair, you're just terrific.

The Chair: I do my best. Thank you very much. A vote of confidence from the government pleases me no end.

Ms Roberts: I think you asked me three questions and I don't know where you would like me to start. You had a question around consent to treatment, around the curfew under the Child and Family Services Act.

Mr Jim Brown: More importantly, what do we do with the kids and the johns?

Ms Roberts: There may be a piece that I'm missing here, but my review of the Criminal Code, and I'm not a lawyer, my read of it, is that there are sections: section 212, procuring; section 151, sexual interference; section 153, sexual exploitation; and 163, corrupting morals. So I'm not certain where the difficulty lies, if it's an enforcement issue, if it's a lack of funding from the Attorney General's office. But it appears from my read of the criminal code that there are adequate provisions —

Mr Jim Brown: But we don't take away the profit they made from doing it. All I'm saying is, what do you think about taking away the profit they made from conducting business with our kids?

Ms Roberts: I hadn't thought of that before. I don't know whether I would be opposed to that or not, I'd really have to think about that.

Mr Bill Murdoch (Grey-Owen Sound): You could give the money to the Children's Aid.

The Chair: Mr Brown, you've had your turn. We'll move on to the Liberals, Mr Gerretsen?

Mr Gerretsen: I hope Hansard got Mr Murdoch's comment there. Just for the record, I think the \$150-million announcement for more police costs has just been an announcement so far. There's been no allocation of funding at all. So that doesn't mean anything currently.

Just so that I understand you correctly, basically you've taken the main components of Mr Bartolucci's bill, raising the fines, raising the age limit as well, where CASs can have some definite influence rather than just a consent influence with children while they're 16 and 17. You've taken that, strictly speaking, out of the sexual content here, the sexual abuse that's taking place, and you have broadened it for CAS purposes so you can be involved in all of the various activities where children need protection. Is my reading of that correct?

Ms Roberts: Partly.

Mr Gerretsen: OK. What's the other part then?

Ms Roberts: What I'm suggesting is that certain aspects of the bill be incorporated into the Child and Family Services Act, so that there is only one piece of

legislation dealing with the safety and protection of children. The piece, I think, that is different from what I am proposing and from what Bill 18 is proposing is the issue of consent for 16- to 18-year-olds.

Mr Gerretsen: What are you saying in that respect then, just so that I'm clear on it?

Ms Roberts: I'm saying that for 16- to 18-year-olds, under the proposed bill, we would be taking away some of their rights under the charter and the Consent to Treatment Act. I think it would be extraordinarily difficult to provide any kind of a service to 16- and 18-year-olds unless it's with their consent.

The Chair: Thank you. Mr Bartolucci has one quick question.

Mr Bartolucci: Just a quick question, because one of your recommendations was that you change the age of the Child and Family Services Act to include 16- and 17-year-olds. I'm wondering, is that your opinion, or is it the opinion of the Ontario Association of Children's Aid Societies?

Ms Roberts: Both, and it's also the opinion of Judge Hatton's report that was recently tabled with the government. The expert panel that travelled the province for the past year is also making the same recommendation, as are youth in care connections across Ontario.

Mr Bartolucci: You realize that Bill 18 is issue-specific. The Child and Family Services Act is much broader legislation, but in and with regard to prostitution and children, section 14 of my bill would override the Child and Family Services Act. And of course, you're opposed to that, correct?

Ms Roberts: Correct.

Ms Martel: Thank you for presenting what is a legitimate perspective to this committee. Let me say that the issue I think we're all trying to grapple with has to do with how we deal with 16- and 17-year-olds, in the context that has been related to us by a number of groups that have come before us, which is, are 16- and 17-year-olds, who are under considerable pressure and probably force, whose decision-making may well be affected by the use of alcohol and drugs, in a position to make a conscious decision to try and extricate themselves from the sex trade? I think that's the issue we've had some difficulty coming to terms with, which also seems to be one that you're concerned with. How do you do that? If we don't have some kind of obligation on the part of police or a mandatory provision that allows for these victims to be apprehended, can they on their own, under all of these other influences, make a choice to get into treatment programs, make a choice to get into a safe house, make a choice to get out of the sex trade?

1640

Ms Roberts: For children under the age of 16, I agree with you. I do not feel that in the cases I've been involved with, they are capable of making those decisions.

The issue of 16- to 18-year-olds is a really complex one. I think people have rights to make choices, but that doesn't mean I don't believe that 16- to 18-year-olds are not victims. I think there need to be a lot of other things

that have to happen, perhaps in concert with such legislation.

If we as a province said that children are a priority, then the early intervention, prevention and treatment programs would begin at a much earlier age. I know there are some efforts that have gone on recently in the province and in the federal government with the Healthy Babies program etc. There is a recognition of early intervention, prevention and treatment.

In the health and social services field, we don't always come in contact with kids who need our help prior to, so when you get 16- or 18-year-olds, there needs to be a different kind of service for them. When I talked about some of the systemic issues and some of the economic difficulties, if a 16-year-old has not come to the attention of a health and social service agency prior to 16 and they become a victim of abuse in their own home, there is no agency anywhere that they can go to for assistance. So if they're battered and they become homeless at 16, they can't collect welfare, they have no means of support and they're extremely vulnerable. The street becomes their home and they are lured into prostitution.

I think we need to backtrack as a province and say that kids should be supported no matter what, but not merely because of prostitution; it should involve all the children 16 to 18 who are homeless, who are disenfranchised. I'm concerned about a specific issue, because what about those other kids?

Ms Martel: I don't disagree with you about our need as legislators and as a society to deal with that issue. My question is, does this not represent an appropriate first step to take? All of us would like to make any number of changes, probably, to child and family services. Is there no benefit, though, in the proposal that is before us to at least start to move the yardstick to get there?

Ms Roberts: From what I've read and what I've heard so far, I can't agree with that at this time. I think there are too many unanswered questions with respect to how the Consent to Treatment Act is going to be dealt with, how an individual's rights under the charter are going to be dealt with, who is going to pay for the safe houses, how are they going to be constituted and what is the nature of the treatment. I think there are so many unanswered questions, and these are the things that need to be answered before I can give you a fair assessment. I won't jump into an answer without having a lot more facts.

The Chair: Thank you, Ms Roberts. We appreciate your coming here and bringing the perspective of the Sudbury-Manitoulin Children's Aid Society. We thank you for your frankness.

RON ROSS

The Chair: I ask Ron Ross to come forward. Welcome, Mr Ross. Please begin.

Mr Ron Ross: I'd like to start my presentation by explaining who I am and why I've come here today. My name is Ron Ross. I'm a lifelong resident of Sudbury with a specific concern for children in my community. I have

devoted many hours to serving and protecting children in need in this community. I'm presently a Big Brother with the Big Brothers Association of Sudbury and District and I've also been a member of the board of directors. So I'm obviously interested in any legislation that would protect the young and potentially vulnerable people in our community.

I'm also a student of political science here at Laurentian University, so I'm also interested in the political process that's involved here. It's because of my concern for children who are being preyed upon, my concern for my community and my general interest in the political process that I'm here today.

First, I would like to thank Rick Bartolucci for introducing this bill. Recently the prostitution problem in Sudbury has become a great concern in this community. I'm impressed by the fact that a representative of this community has spearheaded an effort to combat the problem, not only in our community but also all through the province. I think he serves his community well by introducing this bill.

The introduction of the bill has created a great opportunity for a much-needed discussion on this topic. I feel any steps taken to protect the children of our community is positive and worthwhile. I support this initiative to protect children from the predators on the street.

When we investigate the problem and different solutions, I think we should also make sure that efforts in addressing the problems are efficient. Let's spend the limited resources we have as carefully and efficiently as we can. This will let us help even more children in this way.

It is within this context that I approach this bill. When I began my research into the bill, I tried to gather all the information I could about the problem and the proposed solutions by Mr Bartolucci. As I stated before, I agree that there is a problem and this bill may help us protect our children, but can we improve this draft and make it better? As I understand the process we're all involved in here today, this is why we're here.

I have a few concerns with the proposed legislation. First, I'm concerned with confining alleged child prostitutes for a period of up to three days. I would not like to see us victimize these children further by effectively locking them up. I think as a society we may have failed them at this point. Could this not be considered another failure from the perspective of the child and perhaps push them back to the streets? I heard somebody from children's aid indicate that voluntary treatment and support are much more effective. Then there is also the concern of infringing on the child's constitutional rights.

There's another aspect that I think we should stress. The bill in effect also gives the police and the legal guardian or the child protection worker the means to apply to the courts for a restraining order. I wonder how effective a restraining order would be if the two parties do not want to be separated. It seems to be hard to legislate that. This may not work as an effective deterrent and,

again, this may also lend itself to a constitutional challenge.

I think as a society we have given our children aged 16 to 17 many adult responsibilities. Today a child of this age can drive a car, leave school, move away from home and live independently. I'm not sure we can in one instance consider them children and in the other treat them as adults.

There also seems to be an inconsistency between the Child and Family Services Act and this bill corresponding to the difference in ages. The Child and Family Services Act protects children under 16 years of age, with this bill extending some assistance and programs to children to the age of 18. I think one age should be decided upon.

1650

From the research I have done, it seems that this bill may come close to infringing on federal powers of criminal law, and I think that a thorough discussion with our federal counterparts would be a fruitful exercise. I have also learned that there is already a federal-provincial-territorial working group on prostitution that is investigating exactly this problem and preparing a report for the justice minister. As I understand it, this report is due to come out early this fall. This may be an opportune time to develop a comprehensive plan to attack this problem in a unified way, and we may be able to avoid federal-provincial conflicts and/or duplication that we have seen in the past with other programs.

I just hope the concerns I have brought forward today will be addressed and that my comments have been useful. I would like to thank the committee for its time.

The Chair: Thank you, Mr Ross. We have some time for questions if members wish. We begin with the Liberals. Mr Bartolucci, you have approximately four minutes.

Mr Bartolucci: Thanks for your presentation and for your concerns with the legislation. You didn't offer any alternatives to what I was suggesting, so maybe by questioning I can get a few out of you.

Mr Ross: I'll do my best.

Mr Bartolucci: Thanks. There is conflict with the legislation, there is actually no question about that, and I have noted that from the very beginning. I'm in favour of increasing the age in the Child and Family Services Act to include 16- and 17-year-olds. Are you in favour of that?

Mr Ross: I would be, if we could — I don't know. I'm not sure of the effects that would have if we actually went ahead and did that.

Mr Bartolucci: It can't then be a concern if you don't know what the causal effect is. If there's a concern, there's a resolution to the concern.

The second concern you had was with regard to confining a child in protective custody in a safe house. Your alternative then would be to allow the child to continue to be in a situation where he or she is vulnerable and at risk. There can only be one or the other. Which one are you in favour of?

Mr Ross: I think we should have programs available for them, but to confine them for just three days is just

enough to maybe rub salt into an injury, to aggravate it more. A three-day stint being forced to be somewhere you don't want to be, I don't think you can see the light after a three-day period.

Mr Bartolucci: The premise is that they are forced, one; the premise is that it's a situation where it is not one of value; and the third premise that you have that's incorrect is that it's a facility as opposed to a positive treatment home or environment. I think if you weigh that and read the legislation very carefully, you might not have that as a primary concern any longer. But certainly I respect your concerns, and they are legitimate concerns that we as a committee will debate certainly at clause-by-clause, and I thank you for your presentation.

Mr Ross: Just to make a comment to that, I think when a young person does not want to learn something or be taught something, forcing them into something is not going to help. I don't see how that would help out that much.

Mr Bartolucci: If you had been here for the earlier testimony, you might have heard of their desire to have something like that, real people who live the situation, but that's legitimate.

Ms Martel: I want to follow up in the same direction because I don't know what we do then with 16- and 17-year-olds. I appreciate the concern you have that if they don't want to do something, how do we force them to, but we heard some very powerful testimony earlier this morning, so we have that benefit as to just what kinds of conditions many of these children are in, that they're not in a position to make clear, concise choices about getting out of the sex trade. They are under the influence of a pimp who probably beats them. They have no other money and no source of income. They are usually under the influence of drugs and alcohol, which allows them to continue to be involved in the trade, so the likelihood of voluntarily getting themselves out of the trade and into a program is just not there.

I'm certainly open to suggestions about what we do with these kids otherwise, because I think they are kids and the influences they are under are so overwhelming that I don't know how we get them out of that situation. If we don't use a method where they can be apprehended and moved to a safe place to be away from some of those influences, to be able to make some legitimate choices in a clear way, what do we do with them then?

Mr Ross: I think we should have programs that attempt to help these children before they get out on the streets. Once they get on the streets, I don't think forcing them for three days will help that much. We can have volunteer help, an open-door policy and have programs available to these children, but like you say, it's a tough problem, and I just don't think that locking them up for a few days is going to help them much.

Mrs Ross: For the record, we are not related, are we?

Mr Ross: No.

Mrs Ross: Thank you. You have raised some concerns that I also feel. I don't have a concern about the police apprehending children and trying to help them get out of some horrific experiences. We've heard some testimony

here that really children need a period of stabilization away from crisis, and I'm not sure that three days is a sufficient period. Perhaps that's something that needs to be looked at. But do you believe that 16- and 17-year-olds are children?

Mr Ross: I'm probably closer to being a teenager than most people here, so I can kind of relate.

The Chair: Hold on, now.

Mr Bartolucci: The people behind you disagree with you.

Mr Ross: I think I can relate to or remember being 16, 17 and 18. From what I remember, I was pretty much a young adult by this point, but I realize that some people will vary in maturity so that you can have a very immature 18-year-old and have a very mature 16-year-old. I think with age we fall into a problem of trying to confine people to different groups where it's really a maturity type of question.

Mrs Ross: I would agree with that, because I think every individual is different, and I think some of the testimony we have heard today is that there has to be an assessment provided for these children to help them as well so that we can gear them into programs that would suit their needs. Anyway, thank you very much.

The Chair: Mr Ross, thank you. It was very helpful to have the view of a layperson before the committee today. We appreciate that you took the time.

RICK SLEAVER

The Chair: I ask Rick Sleaver to come forward. Welcome. Thank you also for coming. We're looking forward to your presentation.

Mr Rick Sleaver: I want to thank you for the opportunity to be here this afternoon to present my thoughts on Bill 18. My primary reason for coming out this afternoon is to show my support for this bill and for its author, Rick Bartolucci. I have to say that probably over the past three years Rick and I have not agreed on a lot, to say the least. However, I consider Rick to be a good friend, and when a friend does something that's good, it's worth coming out in support. In my view, this bill is above politics because it deals with children, and that's a concern to all of us.

I believe Bill 18 is very much consistent with the Ontario government's approach to law enforcement. In 1995, the government made law enforcement a protected priority service. As it outlined in the Common Sense Revolution, the people of Ontario are rightly concerned about community safety in our province and particularly the increasing incidents of violent crime. This is why funding for law enforcement and justice must be guaranteed.

Since 1995 the government has not only lived up to this commitment but I believe has gone beyond the promise. I just want to share with you a few examples that I believe are part of that commitment. In the May 1998 budget, the government committed over \$150 million over the next five years for a number of initiatives. Included in those, as part of the government's commitment to fight biker gangs in Ontario, the anti-biker gang squad will now grow from

seven to 20 members and the OPP will work with other police forces on focused operations aimed at large and growing biker gangs. I think we probably saw an indication of that in Sudbury a couple of months ago, where I believe the OPP and the Sudbury Regional Police Service corralled a whole whack of bikers down on Paris Street one Saturday afternoon. So I hope that's part of the government's ongoing commitment to getting rid of biker gangs in Ontario.

1700

In addition, these new dollars will establish a community policing partnership, which I understand will result in hiring up to 1,000 new front-line police officers to increase the visibility. These new officers will provide an added presence and help target high-crime areas. I think this is very important.

I also understand that funds will be used to hire up to 115 OPP cadets. I think this is a positive step in terms of getting OPP officers back out on the streets and away from those mundane paperwork types of things.

I certainly think this government has a commitment towards crime control and crime concern.

I want to talk about one other initiative that I think really parallels what my friend Mr Bartolucci is trying to do with this bill. In May 1998 the Solicitor General introduced amendments to the Highway Traffic Act that would establish special community safety zones to better protect Ontarians. As I understand it, the fines have been doubled in designated community safety zones. These changes are meant to extend extra protection to areas such as school crossings and zones, school bus stops, day care centres and children's parks. I think the government is totally committed to increasing the protection that is afforded to children and I think this is what Bill 18 is really all about.

I just want to make a couple of suggestions, after reading through the bill and some of the background information. I think this is a good bill and I want to make sure that if we get this bill in place, it happens, and I'm concerned that there might be a constitutional challenge on this bill. From my limited constitutional history at Laurentian University, I'm concerned that there may be a Charter of Rights and Freedoms challenge to detaining children for an unreasonable period of time. I'm also concerned in that I understand that the Criminal Code is federal legislation and this could be considered a criminal piece of legislation.

I want to make sure that if we pass this bill, it does what it's intended to do and we don't end up with a series of challenges afterwards. I'm not sure how we'd get around those particular issues. Unfortunately, I didn't continue in that law thing for that long to become a lawyer to figure that out, but I'm sure we have some good lawyers who can help us with that.

I'm also concerned, as other presenters have noted, about the variance between the ages in the Child and Family Services Act and I want to make sure there is equal treatment. The previous presenter discussed that. I think we have to look at all the implications of changing

the Child and Family Services Act to make it consistent because I want to make sure, if we're going to afford this protection to victims of child prostitution, that we do it to other forms of abuse as well.

Finally, I'm concerned about the resources. I think this bill is going to require some resources. We have to make sure that those resources are available. I think it's an important issue that overall we look at the total picture and say, "This is what it's going to cost to put this bill in place," because I don't want this bill to get passed and the resources are not there to make sure it happens.

In conclusion, I think the bill is an excellent attempt at addressing this issue of child prostitution and I really hope these hearings provide some added input into the process. I hope I've been able to add something to this debate and I want to offer my support and my congratulations to Mr Bartolucci for bringing this bill forward.

The Chair: Thank you, Mr Sleaver. We have approximately four minutes per caucus. We begin with Ms Martel of the NDP.

Ms Martel: Thank you for coming to make the presentation. I was listening to the list of government initiatives and I just had to wonder whether or not, in the course of reiterating that, you might explain to the committee how come this government cancelled counselling for domestic violence at second-stage housing or how come this government cancelled the verification program delivered by E. Fry in this community, but I'm sure the next time you come to present, you will defend the government on those, Rick.

We have heard the concern about 16- and 17-year-olds, and obviously the committee will have to continue to grapple with that issue. It's a legitimate one to be raised and we have to deal with that. But I think what we have all heard today is that no part of this bill will work if in fact there are not resources that are put into place for educational programming and for rehabilitation. We need to deal with both sides.

In that regard, the John Howard Society earlier today encouraged the committee to move an amendment to change section 10, which says the Minister of Community and Social Services "may" provide funding for programs to "must," to provide an obligation. Given what I think I've heard you say, do you agree that we have to actually enforce a much more serious obligation on the minister so that funding, particularly new funding, if that's what is needed, would be in place to allow this bill to work?

Mr Sleaver: It doesn't matter whatever piece of legislation we're bringing in, we have to make sure the resources are there to make it work. In my opinion, as long as the economy keeps moving along and generating those new dollars, then I am all for it. Let's put the resources into this bill that are needed to make it work. There's no use doing something sort of halfway. Let's make sure, if we're going to do it, to do it all the way. Let's find the money.

Mr Murdoch: Just a comment. I'm sure we're all happy that the government put the \$150 million in but I want to make quite clear my opposition to what they're

doing with the biker clubs. The guy looking after it is narrow-minded and doesn't have a clue about what he's doing. I want to tell you that. I think it's going to be a disaster for the province and they're going to screw it up. Thank you.

Mr Bartolucci: You should have said that three hours earlier.

The Chair: Thank you very much, Mr Murdoch.

Mr Sleaver: Can I say something about that?

The Chair: Yes, of course, you may respond if you wish.

Interjection.

The Chair: Mr Brown, do you have —

Mr Jim Brown: I couldn't follow that.

The Chair: We move on to the Liberals.

Mr Bartolucci: A quick question, Rick, and then I'll turn it over to John, who has a question for you. Thank you for your presentation and for your concerns because they are concerns we must come to grips with.

With regards to the charter challenge, certainly I consulted with constitutional lawyers who believe the preamble of the bill saves it from a constitutional challenge, and if in fact it were to undergo the rigours of a constitutional challenge, it would win. Having said that, there is always that opportunity for a constitutional challenge.

This legislation in large part was part of a legislation that I saw in Alberta. They've passed the legislation. They're waiting for a constitutional challenge and they would be more than happy to undergo the rigours of a constitutional challenge. So with regard to that, I would stand and defend it in a challenge situation.

Second, I want to know your opinion because you're right that you and I don't agree often, but we respect each other's opinions; I do yours as well and you know that. Do you agree that 16- and 17-year-olds should be a part of this legislation?

Mr Sleaver: I think so. We've got to do something to get those kids off the streets. I hope that as part of the bigger solution to the problem as well is an improving economy that creates opportunities. I see the child prostitution, I suppose, as a last resort. They don't have anywhere else to go and they need money and that's a place to go. I suppose it's incumbent upon all of us to make sure that we continue to do those things, that the economy continues to produce jobs and opportunities so those young people don't have to go to that last resort.

I know that may sound kind of pie in the sky, but I think that ultimately the best thing we can do is find opportunities for these kids.

Mr Bartolucci: Absolutely.

Mr Gerretsen: I'd gladly yield the rest of my time to Mr Murdoch if he has any more pronouncements to make.

The Chair: I'm afraid the government passed, Mr Gerretsen. You'll have to do your own lobbying.

Mr Gerretsen: I just have a question of the presenter. As you stated, they certainly trumpeted the idea that they're for law and order and they're well known for that. Also, we've had this \$150-million announcement, which

is exactly what it is so far, just an announcement. Not a penny has been spent.

You're aware of the fact, though, that the Solicitor General's department has cut its budget over the last three years by something like 40% and that department happens to be the law-and-order department of this government. Do you have any comments? Do you find any inconsistency there for a law-and-order government in effect to cut its law-and-order budget by 40% so you don't have the resources there to do the necessary work that's required?

Mr Chudleigh: Crime rates are down.

Mr Gerretsen: Yes, if you don't investigate, no crime takes place, right?

Mr Sleaver: Please forgive me that I don't know the specific figures, but I'm hoping that what they cut in the Solicitor General's budget was the fat that didn't need to be there in the bureaucracy, in the administrative things, and that we put more money into the front-line services.

Mr Gerretsen: But 90% of their budget is for personnel cost, not for fat.

Mr Sleaver: But I also hope that an improving economy will continue to allow those dollars to flow into the government so that we can invest in programs like this and every other program —

Mr Gerretsen: That sounds like the McGuinty plan.

The Chair: Now, now, no more partisanship, please. This is a committee to look at Bill 18, not to foster individual parties' specific leaders.

I want to thank you, Mr Sleaver, for coming here. You obviously are a concerned citizen with something to share with us and we appreciate that you took the time.

Ladies and gentlemen, this concludes our Sudbury leg of these hearings. We will reconvene tomorrow morning at 10 o'clock in London. I would remind members of the committee that taxis will be waiting outside starting now and 6:45 is when we leave, so we should be boarding about 6:30 at the airport.

The committee adjourned at 1710.

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Assemblée législative de l'Ontario

Deuxième intersession, 36^e législature

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Tuesday 18 August 1998

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Mardi 18 août 1998

Standing committee on social development

Protection of Children
Involved in Prostitution Act, 1998

Comité permanent des affaires sociales

Loi de 1998 sur la protection
des enfants qui se livrent
à la prostitution



Chair: Annamarie Castrilli
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STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Tuesday 18 August 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES SOCIALES

Mardi 18 août 1998

The committee met at 1009 in the Delta London Armouries Hotel, London.

PROTECTION OF CHILDREN
INVOLVED IN PROSTITUTION ACT, 1998LOI DE 1998 SUR LA PROTECTION
DES ENFANTS QUI SE LIVRENT
À LA PROSTITUTION

Consideration of Bill 18, An Act to protect Children involved in Prostitution / Projet de loi 18, Loi visant à protéger les enfants qui se livrent à la prostitution.

SEXUAL ASSAULT CENTRE LONDON

The Chair (Ms Annamarie Castrilli): Good morning. We're continuing our review of Bill 18, An Act to protect Children involved in Prostitution. I'd like to start promptly with the Sexual Assault Centre of London, Debbie Lee. Good morning. Thank you very much for being with us this morning. We're looking forward to your presentation. Just some ground rules: You have 20 minutes to make your presentation. If you don't use up all of your time, I hope you'll entertain some questions from the members.

Ms Debbie Lee: Sure, no problem. Good morning. My name is Debbie Lee and I'm from the Sexual Assault Centre London. I'm the public educator and community outreach coordinator. I was asked today to come and speak about my concerns about Bill 18. We've already been told that you're hoping we're not scrapping the whole bill. No, we're not. Rest assured we're just giving some recommendations.

As a social worker and someone who believes that prostitution, youth prostitution especially, is something that we must be proactive in our mission to stop and eventually abolish, it's my intention to be here and thank you very much for entertaining my recommendations.

The child prostitute today is a rejected, abandoned and neglected child, often by adults who claim to love this child. The child is often someone who has run from adult brutality. We find that children who leave a reasonably good environment due to a quarrel or in search of adventure usually return home within a week or two. The runaways of today can't or won't return home because they are often thrown out, starved, raped or beaten, or because of other misfortunes within the home situation. As

miserable as the street is, it is often better than what they had left behind.

It is soon evident that the children are not equipped to cope with life on the street. If picked up by the police they may be sent home, only to run away again. This happens for a reason. Children run away from what may be perceived as a loving home for a reason, and this is a must-see situation. What child would give up a safe, comfortable home for a life of prostitution on the streets? Without food, shelter or protection, these youths soon fall prey to drugs, alcohol, peddlers, pimps, pornographers and men who specifically seek out prostitutes who are obviously underage.

Statistics show us today that, as in other years, 70% of youth prostitutes are in fact female. The teenage girl quickly realizes that her greatest asset is her body and the exchange of money or favours for sex. With a room for a night and a meal as a lure, a child will gratefully accept a proposal of sex as a trade for temporary comfort. Most youths want to break away, but with no place to go and living examples of beatings, broken bones and even murder among those who have tried, they are often terrorized to seek help.

The intentions of Bill 18 are admirable. The protection of children should be the main concern when addressing child prostitution. Bill 18 recognizes that children engaged in prostitution are often victims of sexual abuse and require protection. Bill 18 also recognizes that it is the duty of the province to assist families and communities in providing that protection. Bill 18 recognizes that legislation is required to ensure safety of all children and to assist children in ending their involvement with prostitution. There are, however, problems within the bill that I would like to address.

As the child is in need of protection, and this is our main concern, I question why the bill is so adamant about sending the child home to the custody of the child's parent or guardian. As I have discussed earlier and as Bill 18 has acknowledged, the child is often in need of protection from the parent or guardian. Again, we have talked about the streets often being safer for the child because the child actually seems to have more control over himself or herself in different situations than at home.

Bill 18 acknowledges the children engaged in prostitution are victims of sexual assault within the home. Often this sexual abuse occurs within the home and is a direct result of a family member's sexual violence.

As a child that has been assaulted, sexually abused and brutalized, perhaps at home and often on the street, Bill 18 promotes the confinement of youth by law officers, to be kept in safe houses for a period of up to three days. Although I do promote safe houses on the streets for youth to seek sanctuary from the streets, I question whether this experience may traumatize the child or the youth further. The child is already in an extremely vulnerable place to begin with.

Bill 18 promotes an order restraining a person from contact with the child and associating with the child in any way if the judge has reasonable and probable grounds to believe that the person has physically or emotionally injured or sexually abused or is likely to physically or emotionally injure or sexually abuse the child. Although the intention of this clause is admirable, I question how this information would be obtained if the parents, pimps and consumers of child prostitution would not bring about the information leading to this knowledge.

I'm sure if you've dealt with any type of youth, especially when you're dealing with sexual assault or sexual violence within their past, this information is not easily brought about. It usually takes months and months of intervention with a child in order to obtain this information. So I'm not sure where the information would be brought about. The child involved in prostitution is not likely to give the information to law enforcement or child protection workers. Only after months of intervention would this information be brought about. Giving this information would bring about further danger to the child, in any case.

Bill 18 promotes the establishment of programs that are necessary to assist children in ending their involvement with prostitution. I fear that if the programs are not spelled out within the bill, the programs will not come into creation. This is incredibly important when you're talking about intervention with youth. The establishment of safe houses for child prostitutes wishing to leave the trade and the development of outreach services, such as training and rehabilitation programs, to help these youths leave the streets in redirection is a piece left to speculation within Bill 18.

Counselling programs could be beneficial in providing immediate refuge and safety, as well as services directed specifically at the needs of youth prostitutes which would assist them in leaving the sex trade industry. Through these means, research could be implemented as to the much-needed information concerning youth prostitutes and what they need. These types of much-needed programs would, in my opinion, be more effective in reducing prostitution than the promotion of punishment, confinement by the police and sentencing of the child's life.

As you probably know, street prostitutes often do not use traditional services. Outreach programs must address the social, economic and health-related issues of the youth prostitute on the streets. The programs must be organized and operated from street locations, promoting safety first for these youths. This is a critical point that we must look at, that the programs be on the street, be outreach services

on the street, and have outreach workers specifically on the street and not in traditional buildings, traditional locations, where youths will not use them.

Bill 18 gives the right to a child protection worker to apply for a restraining order against those who are causing danger to the youth in prostitution. As experience shows us, this court order only leads to brutality and often the murder of the prostitutes in question. We must learn from this. This is not a practice that creates safety for the child. It often leads to the opposite.

The intentions of Bill 18 are admirable and I believe we all agree that there must be changes within our social and legal systems that addresses youth prostitution. This life of sexual violence, brutality and isolation is not what our young people deserve in this country. I believe Bill 18 addresses the weaker link within the cycle of prostitution. The focus must be on reaching these youths in a way that redirects their lives. It must not punish an already vulnerable population.

Tougher laws directed at the consumers of youth prostitution, the pimps who feed off these youths and often lock these youths into this life, and the families which force the youths to the streets in the first place must be held responsible legally and socially. Laws directed at these groups within the cycle of prostitution are equally, if not more, important in the production of legislation intended not only to impede youth prostitution but stop it altogether.

That's it for what I've got to say about Bill 18. I have in fact photocopied a working group consultation paper, and each one of you has got one, so I urge you to take a look at that. It was completed in 1995 — the Federal-Provincial-Territorial Working Group on Prostitution. It includes social interventions, it outlines outreach services and it also recommends law enforcement reform options, so I urge you to take a look at that when looking at Bill 18.

1020

The Chair: Thank you very much for your presentation. We have three minutes left per caucus. We begin with the Conservatives.

Mr Jim Brown (Scarborough West): Good morning. I think we both agree that we have a significant problem with child prostitution. I'm glad that you said at the end that more is needed than just Bill 18. In fact, the way I view it is that we have kids who are being victimized by johns and pimps. Oftentimes, the pimps are drug dealers at the same time.

I have a question for you on a measure by which we in the province can get tougher with the johns and the pimps and the drug dealers, and that is — and the question is what do you think of this idea — to seize the cars of the johns, to realize them in cash and plow it back into helping the kids that are victims, and to attach the bank accounts and the assets of the pimps and drug dealers, realizing that in cash and plowing it back into services for the kids that have been victimized. I'm trying to attack the adults who are causing this problem, because it is indeed adults who are doing it. If they didn't have the means to

make money on it, it would discourage them. What do you think of that?

Ms Lee: I really believe that the adults need to be as accountable for the redirection for the youth. I believe that if prostitution were seen as a social structure and something needed to be socially implemented, such as seizing the cars and taking that away, that would be a deterrent for some adults to do that. A large number of the actual acts that take place within prostitution, with youth prostitution especially, are within cars. So I believe it's a good idea to take the vehicles. Within the working group, the consultation paper recommends that names should be published and it recommends that the vehicles should be apprehended and the money sunk back into redirection and programs. I agree with that.

Mr Jim Brown: And the drug dealer-pimp, the same thing, to go after their assets?

Ms Lee: Absolutely, I do. I think we really need to get tougher with the adults that are feeding off youth prostitution.

Mr Jim Brown: I agree with you completely.

Mr Rick Bartolucci (Sudbury): Thank you for a very accurate presentation, for outlining your concerns and offering what I consider to be very important recommendations.

I think your first concern is important, though, because it's a concern we heard yesterday as well. The intent of the legislation, neither in the letter or the spirit, would ever return a child to an environment that jeopardizes the safety of the child. That's not the case. That's why we put that it be to the parent's home or to the safe house. Maybe that needs some clarification, and we can study that a little bit further, because that is an important concern.

With regard to the programming — I believe that to be critical as well — because the programming is going to have to change to reflect the changing needs of a particular city or town, how could you ever outline site-specific programs? You're saying it's not good enough to say that the minister "may" provide programs. Maybe we could change that word to "must" provide programs, as opposed to "may". Would that satisfy some of the concerns you have?

Ms Lee: As long as the programs were spelled out and the intentions of the programs were spelled out. I think that would make me personally and the organization feel a little bit better that the programs be implemented within Bill 18 and be spelled out specifically what was going to be happening.

Mrs Lyn McLeod (Fort William): I know you mentioned concern about the potential for further contact with the young person by being confined while a program like counselling is taking place. Can you suggest what would be an appropriate setting for a more extended counselling program?

Ms Lee: When I talked about confinement, I meant in the safe houses. Bill 18 recommends that the police have the authority to confine a youth to a safe house for a period of up to three days. I don't imagine that the youth would be seeking counselling at that time, until the child

was safe enough to actually be in an emotional place to seek counselling.

I don't think you can confine a youth to seek counselling. I don't think you can confine a youth to a safe house ethically. If the programs were such that they were of appeal to a youth and of a redirection for a youth, if basically you make it good enough that they will stay and make it safe enough that they will stay, I think you would have youth choosing to stay. I really do.

Mrs Marion Boyd (London Centre): Thank you very much, Debbie, for your presentation. Part of the conundrum here is that this is a provincial government trying to deal within its jurisdiction with an issue that, in the criminal sense, or the seizing of assets sense and that sort of thing, is really under federal jurisdiction. It's a difficult one to find the balance.

I'm curious if you share my concern about the issue of the police being the ones to make a determination that someone should be confined anywhere. It's nowhere in our law that the police make those decisions. I think it's even difficult, and I'm sure we'll hear from the children's aid societies, when it's done from the point of view of the child protection authorities making those determinations and the requirements in the Child and Family Services Act around how that happens. Is that your concern?

Ms Lee: I do have a concern with the police having that ability to confine and enforce. You have to understand that these youth have been taught at a very early age within the home, if they are being brutalized or sexually assaulted, that the police will not help you, no one will help you. Once they get on to the street, again they are told: "No one can help you. The police are your enemies. They will not help you and they cannot help you."

Mrs Boyd: On this issue of trying to determine either at the particular time or even within 72 hours whether or not the home of origin is a safe place to be, I certainly know from my experience that you're not going to know in 72 hours, because it's very unlikely that you're going to get to the bottom of what abuse may have led someone to the street in the first place.

Ms Lee: Yes. It takes an amazing amount of working with a youth, an extremely long time and an ability to trust before that information will be brought forward.

Mrs Boyd: Especially if a children's aid society has been not been able to prove that in the past or the police have not been prepared to act in the past because of lack of corroboration.

Ms Lee: Yes, absolutely.

The Chair: Thank you very much, Ms Lee. We really appreciate that you were here this morning and shared with us the experience and insight you have.

CHATHAM-KENT TRANSITION HOUSE

The Chair: I ask Heather Gillette of Transition House in Chatham to come forward. Good morning. Welcome to our committee.

Ms Heather Gillette: First of all, thank you very much for inviting me to be here today to speak on this bill.

I am Heather Gillette. I run the Chatham-Kent Transition House, which is a shelter for homeless youth and youth in crisis.

We deal with young people aged 16 to 21. We see a lot of our young people who end up prostituting themselves as a way of living. This bill will hopefully end some of that. I don't suspect that it will end all. I'd like to be a cockeyed optimist, but I have to be a realist in this field.

1030

The bill enhances and works alongside the Child and Family Services Act, but we do have some concern with the three-day restraint. Three days for a child protection worker to try to get the paperwork through to a court, especially if they apprehend on a weekend, is almost impossible. I say this because one of my staff is also a child protection worker at CAS. She has reviewed this bill as well and she too has found that although the bill would allow police the availability to pick up a child or take a child into care, placing them in a safe house would probably be fine for a young person, but certainly for a youth you're going to have some cause for concern, as the speaker before me said.

For many of the youth we deal with in the shelter the police are the enemy and this is one more thing that the police are doing to them that they may feel is not in their best interests. Running the shelter that I do in Chatham, it does take time to build the trust with the young people. It's not going to happen in three days, and it's not going to happen in the 30 days that they're liable to be with us a lot of the time.

If we're going to look at this bill, we also have to look at some of the other legislation that is out there that doesn't help towards this bill, one being that the legal age for anyone to consent to sexual activity is age 12 and yet they can't legally leave home or school or drive until age 16. They can't drink or smoke until age 18 and 19. Even under the General Welfare Assistance Act, a youth cannot receive general assistance until age 18. Yet at age 12 they can make the decision to have sexual activity. Something is very wrong with some of the legislation that is out there, that is going to work against this bill.

In our view, transfer payments from the province have got to be coming down to the municipalities in a greater capacity in order for these municipalities to provide safe houses. Transition House has been in existence for almost nine years and has struggled just to keep the doors open, let alone to serve the young people we have, although we've served almost 600 young people and have been able, over a period of time, to help these youth to get off the streets, to not have prostitution as a way of living and to actually finish college and go on to be active members of society and be off the general welfare system.

You've got a lot of legislation: the General Welfare Assistance Act, the Child and Family Services Act, the Young Offenders Act. Unless these acts are all working in the same light, it's never going to happen. A youth can't even be charged for a crime as an adult until he is age 18. Again, they can make the decision to have sexual activity

at age 12. It doesn't work. Those would certainly be our concerns. They are concerns that we see.

One of the other concerns we see that we hope perhaps this bill or another bill will look at is the General Welfare Assistance Act, by which a 16- and 17-year-old is not eligible for social assistance unless there are circumstances where they cannot live at home. There are many circumstances why young people cannot live at home and it takes a very long time in order to prove the need for the young person to be at our shelter, and I am sure any other youth shelter in Ontario. If you have to face the fact that they cannot be on general welfare or they're not eligible for general welfare, it makes it very difficult for those safe houses to do the work they need to do.

With the General Welfare Assistance Act legislation, a 16- or 17-year-old must sue their parents for support. That puts that young person in jeopardy of even coming to a safe house because they're going to go to the street, they're going to be prostituting themselves or going to be involved in drugs or going to be squeegee kids in Toronto so they don't have to go through that process.

A young individual needing the assistance of the municipality, of the province and those safe houses, if they're 16 or 17 it makes it very hard for them to get that. I think that for the 16- and 17-year-old population, we're allowing them to fall through the cracks way too many times. That legislation needs to be changed.

In my experience, a 16- or 17-year-old person should not be living independently. An 18-year-old person should not be living independently, but certainly a 16- or 17-year-old should not living independently. The General Welfare Assistance Act says that in order to be eligible for assistance they must live under adult supervision. That opens the door for a large population of folks to prey on the vulnerable 16- and 17-year-olds and enter them into the prostitution world. We see it down in Chatham and I am sure we're not the only municipality that sees it.

I hope Bill 18 can render some of what is happening. The stiff penalties of \$25,000 and/or 24 months in prison are certainly a step in the right direction. I think this bill has merit. We do have, as I said, some concerns with the three-day constraint. I think that definitely puts protection workers in a very difficult position.

Our CAS is very understaffed. The staff there are not working an eight-hour day in any way, shape or form and I am sure our CAS is not the only one. To put that kind of a restraint is almost making their job impossible. I hope this legislation will not tie the hands of the people who are trying to provide safety to the young people we're talking about.

The Chair: Thank you very much. We have about three minutes per caucus. We begin with the Liberals.

Mrs McLeod: Thank you for your presentation. There are a number of factors that, if we had longer, I'd like to ask you to expand on. I want to just note your comments about the difficulty of transition houses that now exist in staying alive. Even though it's only 30 days, I think that a somewhat longer-term, safer setting is something we really have to ensure is in place in our community.

Ms Gillette: Absolutely.

Mrs McLeod: I did want to ask you about your comments on welfare and the access for welfare for 16- and 17-year-olds and the fact — I'm perhaps reinterpreting it — that there isn't support, that a very laborious process is almost driving young people into prostitution.

I would suspect, following up on the early presenter, that it's also true that without any means of support outside of the family, any sort of long-term supportive setting for counselling becomes virtually impossible because there isn't financial support.

Ms Gillette: Absolutely, correct.

Mrs McLeod: You also said though that you don't think 16- and 17-year-olds should live independently, so I just ask you to describe for me what you think, beyond the 30 days at the Transition House, is the best, longer-term situation for the 16- or 17-year-old who cannot go back home.

Mr Gillette: There needs to be more supportive housing for the 16- and 17-year-olds, where they can live in maybe a room-and-board type of situation where they would have a room of their own but still live where there might be four or five rooms or bed-sitting apartments staffed by someone who is there to support and to show them the life skills they need in order to be living independently and who can provide some trusteeship. That's another part of the General Welfare Assistance Act, that they must have a trustee. That agency would be able to do that if they were funded properly.

I've been dealing with a young person who is now 23 and she came to us when she was not quite 16. That person is learning how to live independently and become a very good mother. But without the support of our agency, that may not have happened. That's just one case and we've seen very many of those.

There needs to be more supportive housing for the individuals who cannot live at home and who do want to make a life for themselves but need some assistance. Thirty days isn't long enough.

Mrs McLeod: So it would be like supportive, second-stage housing for adults.

Ms Gillette: Absolutely, yes.

Mr Bartolucci: A very brief question, Heather, and thank you for your presentation. If you had the opportunity to do it, would you change the existing Child and Family Services Act to include 16- and 17-year-olds?

Ms Gillette: Absolutely.

1040

Mrs Boyd: Following up on that point, Heather, one of the issues is whether this kind of provision better belongs in a revised Child and Family Services Act, which also could provide for the kinds of transition services you're talking about on a mandatory basis to bridge the gap. It seems to me, given that the minister has embarked on a review of the Child and Family Services Act, it might very well behoove this committee to advise her to look at including some of the provisions for child protection with respect to prostitution in that.

I take it, from the way you speak, that you clearly see child prostitution, prostitution of individuals under age 18, as always occurring in an exploitative situation?

Ms Gillette: Yes, I do.

Mrs Boyd: As you know, there are people who disagree with that. There are people who believe that what we are trying to do is to limit the freedom of people to express themselves sexually. I think for those of us like you and me, who have worked in the area of child abuse and neglect, that's a very distressing kind of situation. But it certainly is one of those issues that must be dealt with in order to win public support for the kind of child protection action that you've got here.

Can you make some suggestions about how we can make it clear to the general public that these children, although their impression may be that they're acting independently and acting out of their own freedom to express their sexuality, in fact are terribly vulnerable and are in most cases being very directly targeted and exploited by people who see that vulnerability?

Ms Gillette: That's something I've been trying to do for the past 10 years and I don't know if I've got the right answers for you. I think it's just a matter of continuing to have the public forums, the public awareness, the education to the public and for our agency inviting people to come and take a look and meet some of the individuals who are using the facility. The public awareness can never be too much, and unfortunately we can't educate someone who doesn't want to be educated on the issues, but I think we have to be continually out there and be up front in presenting the issues. That might not make us a lot of friends, but it has to happen. We have to be out there educating, educating. Without the support of the government's assisting us in educating, it makes it, again, very difficult for people even to want to begin to try and take on the task.

The Chair: To the Conservatives.

Mr Jim Brown: Good morning. Before I ask you the question, I'd like to clear the record in terms of what the province can do and what it can't do. The former Attorney General should know that the province has jurisdiction over civil enforcement and we can use civil enforcement to seize the cars of johns and to seize the assets of pimps and drug dealers.

Mrs Boyd: Once they're convicted.

Mr Jim Brown: I'm astonished that the former Attorney General doesn't remember that she used civil enforcement, imposing injunctions on a certain class of people and in fact using the civil courts to sue these people. Therefore, former Attorney General Marion Boyd is well aware that the province has civil enforcement and the province can use civil enforcement to achieve certain ends.

Having said that, the question I have is similar to the question I had to Debbie Lee: If we could go after the adults who are mixed up in this horrible trade, if we can go after the pimps and seize assets and if we can go after the johns and seize their cars, sell them and plow it back

into looking after the victims of this horrible trade, your opinion of that would be?

Ms Gillette: I guess my opinion of that would be, I don't think it would be a reality that that money would actually come back to those places that would be trying to provide safe —

Mr Jim Brown: But do you think it would take the incentive away and reduce the trade?

Ms Gillette: No.

Mr Jim Brown: You don't think so.

Ms Gillette: No, I don't.

Mr Jim Brown: You think the trade would keep going.

Ms Gillette: Yes, I do.

Mr Jim Brown: So it would go for free, right?

Ms Gillette: By seizing their cars, seizing their assets — they'll get more. There's a lot of money to be made in prostitution and that's the chance they'll take.

Mr Jim Brown: Will they put the price up? How would they get more if we keep taking it away from them? People don't do anything for nothing. If they've got no incentive to get involved in the trade, why would they be involved in the trade if there's no money to be made?

Ms Gillette: But there is a lot of money to be made.

Mr Jim Brown: But if we took it away.

Ms Gillette: You're saying you're going to take the money away by taking away their assets?

Mr Jim Brown: Yes.

Ms Gillette: I don't know.

Mrs Boyd: On a point of personal privilege, Madam Chair —

The Chair: Does it involve this witness, Ms Boyd?

Mrs Boyd: Yes, it does. With respect to the comments of Mr Brown, he knows very well that there has to be a reason for that civil action, usually arising out of a conviction.

Mr Jim Brown: Too bad you didn't have a reason when you did it.

Mrs Boyd: Well, I'm not going to talk about that issue, as you know.

The Chair: At any rate, this is not a point of privilege.

Mr Jim Brown: I don't think it's a point of privilege.

Mrs Boyd: But, Madam Chair, it's extremely important that we be very clear —

Mr Jim Brown: She can wait her turn and correct me as she goes.

Mrs Boyd: — that personal attacks on other members of this committee are not furthering the interests of the people who are here to speak, and that is precisely what Mr Brown was attempting to do.

The Chair: Thank you, Ms Boyd. I take your last point. The previous part of your comments, however, is not a point of privilege.

I want to thank this witness for coming forward. I appreciate that you're here and that you shared your experience with us — very valuable.

FAMILY SERVICE KENT

The Chair: May I call on Family Service Kent to come forward, Tanya de Jong. Thanks very much for being here. We appreciate that you could participate with us.

Ms Tanya de Jong: I'm Tanya de Jong and I recently accepted a position as a family therapist at Family Service Kent in the sexual abuse and sexual assault program. I'm both a trained social worker and a trained marriage and family therapist.

I only recently became aware of Bill 18, approximately two weeks ago, and had my first opportunity to review the bill about a week ago. The ideas I present today are the beginning of my exploration into the issues related to child sexual abuse through prostitution. I intend to briefly discuss when and how I first became aware of child prostitution in Canada and my ongoing knowledge of this problem. I will then present some potential advantages and disadvantages, followed by some ideas for consideration related to Bill 18 as it stands today.

Before I begin, I would like to commend Mr Bartolucci and the committee for bringing their awareness of the problem of child sexual abuse and exploitation in Canada through prostitution to the public and for taking steps to eradicate this social problem.

I first became aware that child prostitution was an issue in Canada when I was at a hospital in Toronto for a relative's operation about 10 years ago. The hospital staff were frantically looking for a young girl who had gone missing. She was believed to have run away from the hospital. The young girl, who had just given birth, was living on the streets and was believed to be a victim of child prostitution. The child was only 10 years old. She would now be 20 if she's still alive. I can't imagine what her life has been like since she first gave birth and returned to the streets approximately 10 years ago. Her child now would be the age that she was when she gave birth to this child.

In the past few years my work has not specifically focused in the area of sexual abuse or sexual exploitation. Still, I have encountered women who have talked about their experience of sexual abuse and trauma due to their involvement as children and youth in the sex trade. I have heard stories of how there is rarely a shortage of customers for the children involved in prostitution. I have heard about the shame and the women's acceptance of responsibility for the abuse similar to those women I have worked with who have been sexually abused outside of the sex trade. However, the shame and taking of responsibility seem to be exacerbated by the context in which this abuse occurs.

Survivors of childhood sexual abuse through the sex trade may be aware that they can be arrested for their involvement in prostitution. This may muddy the question of responsibility even further by assigning legal responsibility to the child or youth for being sexually abused by adults. The responsibility of the perpetrator of the sexual abuse of these children is further removed by assigning this responsibility to both the adult and the child. The

assigning of responsibility for the sexual abuse to the child is increased when they are treated at times, as it's been reported by the legal system, more harshly than the perpetrators are.

I have a number of potential advantages that I've found in Bill 18 and I have listed a few. For example, the police will be able to respond more quickly when they suspect that a child is in imminent danger, due to their involvement in prostitution, and may be able to take this child out of this danger immediately.

1050

I have concerns as well about returning the child to the family if the family is abusive, and wonder about the three-day amount of time that's given to child welfare workers in order to be able to determine the safety. I also wonder about whether or not there might be a way that family members can be notified who are supportive and are willing to help these children and able to come to their need, if there's a way we can connect with those family members if they're out there. That may not necessarily be the parents. A child protection worker would also be involved, which I believe would ensure ongoing support for the child and for any family member who may be supportive and may be willing to help the child who is involved in the sex trade.

I also believe that Bill 18 sends out a message that supports that sexual exploitation and victimization of children through the sex trade and through prostitution are not accepted in our society. The issue of child prostitution may become more publicly acknowledged and as a result may be more likely to receive financial attention to address the programs that would assist in helping sexually exploited and abused children that are victims of child prostitution.

My hope is that Bill 18 may increase the number of resources for children and youth who are involved in child prostitution. I also believe that one of the benefits of Bill 18 is that it increases child protection up to the age of 18 and offers protection for the youth that are currently lost in the act as it stands now, which only protects up to the age of 16.

I have also listed a number of potential disadvantages or dangers of Bill 18 and I'd like to discuss those. For example, law enforcement officers are trained to uphold the law and are not necessarily trained in working with sexually exploited and traumatized children and youth. A potential danger is that these children may experience added trauma in being apprehended by law enforcement officers who, with all best intentions, may not be trained and sensitive to the needs of these children. Those who directly or indirectly abuse these children may also push child prostitution further underground if they are aware that police can apprehend a child with or without a warrant, which may make identifying these children and these children being abused even more difficult.

Another concern is that violence or the threat of violence towards a child victimized by prostitution may increase to ensure that an apprehended child will not turn in their pimp, family or customers. I have concerns about

increased involvement of law enforcement and the judicial system with the child, because it may support the belief that the child's victimization is their crime and therefore may serve to reinforce the child taking on responsibility for the sexual abuse.

Although I believe that taking steps to keep sexual perpetrators away from children victimized by prostitution is necessary, I wonder if restraining orders are the most effective means for ensuring children's safety. The use of restraining orders has been an ineffective deterrent for men who are violent against women. Is the effectiveness of restraining orders against those who are violent towards children going to be any more effective?

I'm not sure at this point whether or not Bill 18 may actually reduce the prevalence of child and youth prostitution, especially if the number of children who come into contact with law enforcement does not increase. Again, I've already mentioned that there are some concerns about children being returned to abusive homes.

I have some ideas for consideration. I'm aware that a number of police departments are employing trained family therapists or trained social workers to augment their trauma response teams. Hiring these professionals and utilizing their knowledge of the sex trade and their skills in working with sexually abused children may help to reduce the stress and fear that may be associated with children being apprehended by the police. Family therapists and social workers teaming up with law enforcement officers may be able to assist in turning an apprehension into an act that is more caring and shows the concern for the safety and well-being of the child. Trauma response counsellors may offer a buffer between the child and the legal system. This keeps the assigning of responsibility to a minimum by keeping the interaction between law enforcement and the child to a minimum. The buffer also adds to the likelihood that the child and youth would feel safe. This idea is related to many reports that the police as a group are not trusted by this group of children.

I'd also like to explore alternatives to the use of a restraining order to offer protection to the child who is attempting to exit the sex trade. I encourage the committee to refer to Dealing with Prostitution in Canada, the consultation paper offered by the Federal-Provincial-Territorial Working Group on Prostitution that you were handed earlier. This paper addresses primarily the issues related to changing and amending the Criminal Code as it relates to prostitution. For example, one way to protect children who are being sexually or physically abused as a result of prostitution may be to ensure that the penalty for encouraging, promoting or maintaining child prostitution, as well as those who sexually abuse these children through paying for sex, is severe enough to act as a deterrent and to express society's non-acceptance and abhorrence of child sexual abuse through prostitution. A recommended minimum penalty is offered in the consultation paper which may assist in ensuring that some consistency is maintained in the sentences that are assigned. These minimum penalties are crucial when the charges are specific to child prostitution.

A number of other recommendations are made as well, including ideas that promote steering these children and youth away from the judicial system and towards treatment and support. It seems important to the success of Bill 18 that we explore the programs to be offered to best meet the needs of these children victimized by prostitution. Programs need to be in place to offer these children the means to leave the abuse and trauma of the sex trade. For example, shelters and safe houses need to be in places that are accessible to children and youth with or without law enforcement or child protection workers.

More services need to be available for runaway children to prevent them from entering into prostitution in the first place. Public education regarding the problem of child prostitution in Canada and education for children at risk about the sex trade and the strategies used to entice children into it may also be beneficial.

Last, I also think, as in any profession that has a great deal of power in our society, that it's important to put some protection in place to make sure that the opening up of this bill to give the police more power to enter into residences or places of business — there need to be some protections in place to make sure that's not abused, although I know that's not the intent of it.

I'd like to thank the committee for listening and offering me the opportunity to speak.

The Chair: Thank you very much. We have approximately three minutes per caucus. We begin with the NDP.

Mrs Boyd: Thank you very much. I was very interested in your comments. If you've only known about this bill for two weeks, you've done a very thorough analysis of some of the advantages and problems of it. I share a lot of the concerns that you have. I'm curious about one thing: I that you also agree that raising the age for children under protection to 18 is one of the best advantages of this bill.

Ms de Jong: I definitely think it's one of the more important advantages, yes.

Mrs Boyd: Going back to the discussion I had with the previous speaker, then, she was suggesting that there's this dissonance between when people are legally able to make decisions about sexual activity and the whole issue of protection. I didn't have a chance to get back and say that I'm not sure we could successfully, and certainly most legislators would say it — I'm not sure it's very sensible to suggest that you can deny people the opportunity to express themselves sexually until they're 18. Is there some balance between those two things?

Ms de Jong: I think it's difficult. As you were talking, what was going through my head was that there's a real gap between society's ideas about when you make a decision to be involved in sexual activity and the idea that in some way prostitution is related to that. I don't think child prostitution is related to a decision to express oneself sexually. I believe it's a form of sexual abuse.

Mrs Boyd: I'm glad you clarified that, because I think the wrong impression may have been given. What we really are talking about here is exploitation and abuse as opposed to the kind of sexual activity that may indeed be

very willing and be very normal and natural in terms of a learning relationship kind of situation.

Mr Bob Wood (London South): I'd like to explore a point you made in your presentation and that's with respect to increased penalties for johns and pimps. As you may know, other jurisdictions such as Alberta have imposed considerably greater penalties on pimps and johns who deal with underage prostitutes and they've found that they've been highly successful in cutting greatly the instances of underage prostitution. As you may know, that's something the Crime Control Commission is looking at as a possibility for Ontario. I wonder if you think that that approach would be effective in significantly reducing underage prostitution in this province.

Ms de Jong: I think it can be to some extent. I don't think that will eradicate the problem completely. I think there are a number of different programs that need to be put into place. I do believe that stiffer sentences for anyone who abuses children are necessary in order for, first of all, this problem to be taken seriously, but also for something to be done about it.

1100

Mr Bob Wood: What they're in effect doing is diverting this kind of activity away from people who are underage. Interestingly enough, in other jurisdictions they've found as a result a dramatic drop in the instances of underage prostitution.

Mrs Lillian Ross (Hamilton West): Thank you very much for your presentation. I have a couple of points. The more I listen to the presentations here, the more I realize that the approach here has to be more two-pronged. First of all you have to look at those who are abusing the children and I agree with stiffer penalties and taking away their assets and that sort of thing. You also have to look at what you do with the children. You can't victimize them further by putting them through a criminal system, so I support that.

I'm particularly interested in the programs. I hear a lot about programs, and one of the things we have done with respect to, for example, sexual assault against women, violence against women, is taken an approach to train police officers so they can detect it and help those women, get them out of those situations. Would you say that type of program might be something we should be involved in, training police officers? You talked about taking someone on board who is a therapist who has some background in that area, perhaps training police officers so that they can assist youth as well?

Ms de Jong: I don't think that type of training would hurt, by any means. I don't know that it would be enough in order for the children to feel safe. I believe, from my experience, from my reading of the literature available on child prostitution, many of these children absolutely do not trust the police, regardless of how sensitively they may approach children, regardless of how much they may know about how to deal with these children. There needs to be someone else in there that they can feel safe with.

Mr Bartolucci: Thank you very much for the excellent suggestions you've given the committee. Most of them are certainly worthy of greater discussion at another time.

I am particularly interested in your trauma response counselling suggestions. I see that as so, so important in the whole process. In the legislation, section 12 suggests that the minister will have the duty and the responsibility and also the power to make regulations respecting the assessment of children. Would this trauma counselling be a part of that assessment? Would it come before the assessment? How would you integrate that excellent suggestion into the assessment of the child?

Ms de Jong: Actually, when I was thinking about the trauma response team, what was more my idea was that they would actually go out with the police. They wouldn't necessarily be a part of an ongoing assessment. It would be an immediate contact. It would not be a police officer but someone at least one step removed from being a law enforcement officer. The way that trauma response teams are set up right now, I don't know whether or not they would be involved, or could be involved, as they stand in an ongoing assessment.

I don't know at this point because I don't think the three days is enough time to be able to assess the child's situation or the youth's situation and also whether or not their family is a safe place to go back to. At this point, I don't believe that, whether it was done by child welfare worker or a trauma response team, the bill offers enough time or enough space for people to really assess the children adequately.

Mr Bartolucci: That's a very legitimate observation, Tanya. I've certainly taken note of that.

Would that trauma response counselling be a part of the police services, in your estimation, or would it be a part of the component factor which would implement this bill? Which one would it be? Who would have jurisdiction over this trauma response counselling?

Ms de Jong: The way it stands right now, my understanding of police departments that have a trauma response team is that they are actually a part of the police department. My preference would be that it be a separate unit. They would go along with police and be involved with the police. If this bill goes through, they would work hand in hand with the police but would not be part of the police department.

The Chair: Thank you very much for your presentation. It was very thoughtful.

MADAME VANIER CHILDREN'S SERVICES

The Chair: May I ask Madame Vanier Children's Services' representative to come forward, Barrie Evans. Welcome. We're very pleased to have you with us this morning.

Dr Barrie Evans: I'm pleased to be here.

The Chair: You have 20 minutes allotted for your presentation. You can use it as you want, but if there is any time left, the committee would be glad to ask you some questions.

Dr Evans: I do have a written presentation, which I believe is being circulated. I will read this and it won't take the whole 20 minutes, so there may be some questions that arise from it.

My name is Barrie Evans. I'm a psychologist with 25 years of experience in the province in children's mental health. I'm the executive director of Madame Vanier Children's Services in London. Madame Vanier Children's Services is a children's mental health centre founded in 1965 and was the first to be licensed by the province under the Children's Mental Health Act of 1968. We're currently funded by the Ministry of Community and Social Services under the Child and Family Services Act and we provide a range of residential and non-residential treatment services to emotionally disturbed children and their families.

I am concerned about the sexual exploitation of children in its many manifestations. I believe it's a significant social problem and I applaud the member for Sudbury, Mr Rick Bartolucci, for his initiative in bringing forward this bill.

I agree with the bill's enabling the prosecution of the predators. I believe that charges should be brought against anyone enticing young people into prostitution or benefiting in any way from this. I think that's a good start.

I have some comments about the other aspects of the bill which involve apprehending young people and also about the services that are connected to this.

I think this is probably redundant, but I'm sure you hear things over again. The first comment relates to the fact that a child is defined as under 18 years of age. This is the same as the Child and Family Services Act. However, when it comes to defining a child in need of protection, section 37 of the CFSA, a child is defined as being under 16 years of age, and you know that. Many of the services for children and youth, including children's aid societies, are either mandated for children under 16 or like our own, which provide child and family intervention, have been geared up to 16 years of age. This is consistent with the definitions of consent. It's the age up to which parents can give consent. Subsection 27(2) of the Child and Family Services Act states, "A service provider may provide a residential service to a child who is less than 16 years of age only with the consent of the child's parent." A parent cannot consent for service for a child who is 16 years of age or older. Consent has to be given by the person 16 years of age or older. That's in subsection 27(1). I think there's an inconsistency that needs to be addressed as a child can be in need of protection in one act but not in the other.

Furthermore, because of the lack of services for the age range, that's the 16- to 18-year-olds, I believe additional funding will be required to provide the safe homes and counselling services for these 16- to 18-year-olds. It's not just that there's been a mandate; it's that a lot of services have been geared up to 16 years of age. There's quite a gap, I believe.

Although I generally support the intent of the proposed Bill 18, I'm wondering whether the aspects concerning the

apprehension of children will be effective in dealing with the problem. It almost seems that there's an underlying assumption that these young people have been abducted against their wishes and that we need to rescue them from the hands of their captors. I think the truth is that they are most often there of their own volition in a sense and that they are captive only to their troubled histories. This recognizes that their choices are shaped by their low self-esteem as they are frequently victims of abusive and neglectful pasts. The predators know their vulnerabilities and offer them a superficial balm for their psychological pain and emptiness.

1110

These young people often do not trust authority figures and may not be grateful for being rescued. I was listening to the news about the hearings in Sudbury yesterday, and regardless of whether the allegations are truthful or not, it indicates to me that there's a profound mistrust of the police and of authorities among these young people. That's something we have to recognize. I was just listening to the former speaker saying the same thing.

"Nabbing" of these young people from the street by the police or social workers acting with the best of intentions may be perceived by them as abusive and coercive. It may be a revictimization. This may further alienate them from those who are trying to help and might make it hard to actually intervene successfully to get them off the street and out of prostitution. For some young people, the attention that they receive in the sex business is the only "positive" attention they have received in their lives and they will just go back as soon as they have a chance.

There is a need for a more subtle and less authoritarian approach. For example, outreach workers can work with street youth in a less threatening way to develop some trust. They can then offer their help to meet some of the unmet needs of these young people and give them a chance to see that there are alternatives. A shortage of youth outreach workers will be a barrier to implementation.

This brings me to the most important point that I have to make, and I recognize that I work mostly with younger children. This is that we have to put more emphasis on prevention. There is ample evidence that these children have been exposed to sexual and physical abuse and neglect. They gravitate to the street because there is nothing positive to keep them at home; in fact, there's a lot of aversive things. Many cannot safely be returned to their parents from whom they have run away or who have abandoned them.

There are no quick fixes for these problems. We need more funding for children's mental health agencies to continue and expand programs which encourage positive relationships and help parents to stick with their troubled kids and deal with the problems of child management in the a healthy way. Unfortunately, there is a lack of mental health programs and it is well documented that there are lengthy waiting lists at children's mental health centres. At Vanier, despite our efforts to do more with less over the past five to eight years, we've been unable to keep up with the increasing demand for our services. Today, more

than 50% of those parents requesting our help are turned away because we've had to prioritize and take only the more serious and higher-risk cases.

We at Vanier deal with families where there are alcohol and drug abuse problems, violence and psychiatric problems. These parents need help to break the cycle of poor parenting. If these problems are not dealt with at an early age, normal adolescent rebellion turns into more sinister manifestations of running away, drug abuse and other forms of anti-social behaviour.

Although I would personally put my money on early intervention, as I believe the seeds of these later problems are sown in the very early years — and in some cases prenatally where factors such as fetal alcohol syndrome come into play — programs of a preventive nature aimed at adolescents can be helpful. Youth drop-in, youth action programs and youth mental health and skill-building programs can prevent gravitation towards street life and steer kids into more healthy and protective choices.

In closing, and to summarize, I support the intent of the bill. I feel there should be some way to prosecute those who are preying on vulnerable children. Second, I have some concerns about the underlying assumptions. One assumption is that they are "children in need of protection." In a sense they are, but as a parent of three children between the ages of 17 and 22, I know that is not how they might define themselves. Third, and last, I emphasize the importance of mental health programs for children and youth to effectively address the conditions which give rise to the problem. I also alert the committee to the serious shortage of children's mental health programs for our children.

The Chair: Thank you very much, Dr Evans. We have approximately four minutes per caucus. We begin with the Liberals.

Mr Bartolucci: Thank you, Doctor. Your presentation was excellent and I thank you for your suggestions. I have a dilemma here. I've listened to some of the same concerns, not only here but in Sudbury as well. Yesterday in Sudbury we who are on this committee heard very, very compelling and moving testimony from teenage prostitutes and the father who said, "I wish someone was there to take her off the street" — "nab" her, if you wish, the term you use. How do we as a legislative body answer that concern to a teenage prostitute, to a father, to several teenage prostitutes and to several parents, who wish there was someone there who would have taken them off the street?

Dr Evans: You're touching something that resonates with me, which is my paternal and fatherly instincts. I would love to do that if I were in that situation. I would want to go out there and rescue the kids. I want to pull them away and draw them away. I would want to do that myself, and that's my fatherly instinct. I'm not sure we can be that paternalistic in our legislative approaches. I don't think it would always work. I don't think the government can substitute for a father or mother in that way. It's a wonderful instinct to want to do that. I'm just afraid that it won't work and that there will be a counterreaction to that. There have to be different ways of developing trust.

It takes time. You can't just pull them out and feel that you've rescued them.

I don't know the answers. I wish I were smarter and able to offer you solutions, because I feel the dilemma too. But putting more outreach workers on the street, who can really develop a trusting relationship, and go from there may be our best hope. I don't know whether I'm right in that or not, and I admit to my own sense of feeling very caught in that dilemma too.

The Chair: I apologize to you, Dr Evans and members of the committee. I was so swept away by your presentation that I miscalculated the time. We only have about a minute per caucus, but I'll allow some latitude in that circumstance.

Mrs Boyd: I think it's an important issue, this issue of rescuing. In the work we've done around abuse issues here in London, which has been quite extensive and over a long time, we know that desire to reach out and rescue — for example, to force battered women to charge their husbands or to force them to leave their homes — doesn't work. I share your concern that if we fail on the side of being too coercive, particularly when these people are also subject to criminal charges at the same time, it is going to be a failure.

I'm glad you talk about the street outreach. We have a good example of the service here in London that has developed a lot of trust with youth but is underfunded and doesn't have as much help as there could be. I agree with you that more work in that area and the kind of supportive coaxing out of the abuse is likely to be more effective.

Mr Bob Wood: I'd like to ask a couple of quick questions. I agree with what you've said on early intervention, but where we reach the point where these underage people have engaged in prostitution, if you had adequate resources, how many do you think you could convince not to engage in that kind of activity again?

Dr Evans: If they've already got to that point?

Mr Bob Wood: Yes. We're asking only a rough estimate. I understand that you can't be precise. Are you talking about a quarter, a half, a tenth?

Dr Evans: I don't have any basis to answer the question in science and in knowledge.

Mr Bob Wood: Give us your best guess and we'll understand.

Dr Evans: I think it depends on the effectiveness of the approach. I think there's still hope, and we have to be hopeful. You don't throw in the towel just because a particular threshold has been reached. I would much rather prevent the problem, but once it exists, there are still things that can be done. In trying to help even 25%, those are some lives we are saving and some lives we are turning around. It's a philosophical point. Is one life that we turn around valuable? How much is the turnaround of one life worth and how much will it cost us? These are very philosophical, rather than factual, questions.

The Chair: Thank you very much, Dr Evans. You started your presentation by saying that one of your points you thought was redundant. Let me assure you that

nothing that comes before this committee is redundant. In fact, your presentation was very cogent and compelling.

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ELGIN CHILDREN AND FAMILY SERVICES

The Chair: Our next presenter is from Elgin Children and Family Services, Sue Hines. Welcome. Thank you very much for being here.

Ms Sue Hines: I'm glad to hear you aren't disturbed by redundancy, because I have a feeling that some of the things I'm going to say you will have heard before.

The Chair: We call it reinforcement, not redundancy, in this committee.

Ms Hines: Oh, good. That's nice to hear.

I would like to begin by thanking the committee for an opportunity to speak with you. As well, I'd like to state quite clearly that I definitely support, certainly in principle, what is in the proposed piece of legislation.

In November 1997 the Minister of Community and Social Services announced that there would a panel of experts convened to look at the issue of children's deaths. In June of this year, we received a copy of the recommendations that this panel made at the office where I'm employed. One of the things I'd like to comment on is the differences and the incompatibilities in Bill 18 with the current legislation of the Child and Family Services Act and also the proposed amendments.

The first thing I'd like to address, and I think it's been said several times, is the whole issue of returning children to families. Research has shown very clearly over the years that children who run away from home and children who become involved in prostitution most often, or certainly a high majority of those children, have been victims of abuse, if not in their homes, certainly abuse in some portion of their life. It's been suggested that these children don't trust the police. To be fair, these children don't often trust authorities in general, whether it's the children's aid society, social workers or whomever it is. A lot of times these kids, when they've really started to examine it, are children who have come to the attention of the social services system and for a variety of reasons — either they weren't believed at the time or nothing happened in the judicial system — the children become very disillusioned.

What I'd like to suggest is that if this piece of legislation proceeds as it's proposed, there be a very close working relationship with the child protection services and with police departments. I think it would be very unfair to ask a police officer, given the time frames they're working under and the stress and the work levels they have, to appropriately assess whether a child should return home in a very short period of time. I think it would be much more appropriate if that child was placed in a place of safety and, during the time to follow, that a more complete assessment was made of whether they should be returned home or if there are extended family members for that child to be returned to.

In the area of warrants, it's quite extensive in Bill 18. Under the proposed amendments to the Child and Family Services Act, tied very closely with this bill, it is recommended that warrants be eliminated in total. The current practice in regard to warrants under the Child and Family Services Act is that warrants, for ourselves, are sworn before a justice of the peace. In a small community it is not always practical to find a justice of the peace, and judges are not always available either. I have also found from personal experience that judges are very reluctant to swear information on a case that they will likely be reviewing under an apprehension situation.

I also would like to say that if I were a judge — not that I intend to be one some day — I'm not certain I would want to consent to a warrant without being face to face with the person. In a very tiny community the judges may know the officers very well, but I'm not sure that's the case in places such as Hamilton and Toronto etc.

The three-day rule is another area that I'd like to address. The Child and Family Services Act currently requires that a child who is apprehended is before the court within five days or returned to the person from whom they were removed. This doesn't include the day that the child is apprehended, but it does include holidays, weekends etc. This isn't really a very practical period of time, even in five days. The recommendation before the minister at this point is to change that to 10 days, so I would suggest that the three-day rule suggested in this bill is really impractical.

The word "confine" is used in this proposed piece of legislation. One of the things I have concern about is that we don't have the ability through the Child and Family Services Act to confine children. Children are as free to go within our system as they are within their own family home. In the past there have been parts of our legislation where children in our care were to be placed in open-custody settings if they were a danger to themselves. That piece, certainly for our area, was removed from our ability to access it shortly after the bill was proclaimed several years ago.

Currently under the Child and Family Services Act "abuse" is defined as someone who is in a position as a caregiver. The word "abuse" in regard to people who involve children in prostitution has been used quite a lot in this proposed bill. In that case, if the two pieces of legislation are going to be consistent, I would suggest that be looked at as well.

One of the things that has concerned me for many years, and certainly from a provincial point of view it's really not something you can address, is the issue of penalties. I was very pleased to see that addressed in the proposed piece of legislation, but at the same time it concerned me, because in 26 years of working in child welfare very rarely have I seen perpetrators convicted and receive 24 months, even for horrendous crimes against children. That inconsistency sends a terrible double message to the victims.

In closing, the one thing I would like to say is that given that the minister is currently looking at the Child

and Family Services Act, it seems to be a very opportune time to roll this particular bill into the legislation. I've had an opportunity to speak to the director at my agency and also to the police department in my community, and everyone is supportive of the idea but feels that to have one piece of legislation would be much more realistic than having two.

The Chair: Thank you very much for your presentation. We have approximately four minutes per caucus, beginning with the government caucus.

Mrs Ross: Thank you very much for your presentation. I have a couple of questions. Yesterday we had a presenter who said to us that every time you take a kid off the street, another one will be there. She said she didn't really agree with the approach of the previous speaker, who said "nabbing" a kid off the street. What's your response to that? How else do you help these kids if you don't get them off the street?

Ms Hines: I think you do have to get them off the street, there's no question about that. A phrase that was used a number of years ago by the director of nursing in Elgin was, "Rather than throwing in life preservers to rescue the children out of the water, go upstream and find out why they're falling in." I think that's what has to happen. Dr Evans spoke about the need for preventive programs. Without preventive programs, without adequate intervention into families, we're never going to stop this from happening. If the intervention occurs and occurs early enough, I think we have a very great possibility of making major inroads within the family.

Mrs Ross: Some of the comments made, and one of the things that prompted bringing this bill forward on the part of Mr Bartolucci, were from a very nice gentleman we met whose daughter was involved in child prostitution. It was an agonizing story to listen to, but the point the girl made to us was that all these kids involved in child prostitution are not necessarily bad kids. We hear a lot of them coming from sexual abuse backgrounds and that sort of thing, but some of them come with silver spoons, so to speak, in their mouths and come from good families. There's a lot of concern about, what do you do when you take them off the street? I like your approach to looking at the three days and perhaps extending that to 10 days. I'm not even sure if 10 days is enough, but I think that's a good idea. Do you think that assessment has to be sort of up front, that you get the kids off the street and assess them right off the bat?

Ms Hines: Yes, I do.

Mrs Ross: I agree.

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Mrs McLeod: I want to pursue this issue of the dilemma of knowing that simply taking the child off the street can first of all be a revictimization and, second, doesn't go nearly far enough in terms of time to do the assessment or to provide the setting in which there can be longer-term counselling. We've had some wonderful suggestions already this morning in terms of transition settings followed by supportive housing backed by counselling, the kinds of things we used to have in place

for women victims of domestic abuse that are now going by the boards, I'm afraid.

My dilemma, like Mr Bartolucci's — and I ask you this as somebody who's a practitioner in the field. When governments don't provide enough funding — and I'm not speaking simply of this government. I've been in it a long time. There's never enough funding to do the things we want to do in prevention, in children's mental health, the prevention work of children's aid societies. It's the mandated programs that almost coerce government to meet some of the need because it is legally bound to meet the needs. That's why I wonder if the first step isn't to recognize that the child who's engaged in prostitution is a child in need of protection and therefore legally has a right to services provided by the government, that that's the first step to getting some of these support services in place. Do you find that you get to the point where all you can do is provide your mandated services because you can never get the money that's needed for prevention?

Ms Hines: That's become very clear. Even within the last 10 years I've seen a change in the availability of funds. I've been in the profession long enough to have watched the pendulum, the times when things have been good and there has been money for programs, that you wonder in the end why they were ever given the funds in the first place. I think we've come full circle to a time when money is very tight.

Mrs McLeod: Should the child who's engaged in prostitution become a sufficient priority as a child in need that we consider them legally a child in need of protection and provide the service?

Ms Hines: Yes, I believe they should.

Mrs Boyd: Thank you very much for your presentation. I am curious about whether another solution might not be to make prevention programs mandatory.

Ms Hines: That would certainly be something we would like to see happen.

Mrs Boyd: I think most children's aid societies would, because as Mrs McLeod said, in the current budget circumstances most children's aid societies have had to drop programs that were very good, often offered in conjunction with other agencies that did have the trust and support of young people. They're no longer able to do that. I personally think that might be one way out of the dilemma, to really look at those mandatory programs and say we have to start making it mandatory for expenditures to go at the front end of the system rather than always at the crisis end of the system. Do you think that might work?

Ms Hines: I think it will, but the transition period is where it will probably cost a considerable amount of money. You're going to have to have funds at both ends because you're going to have to bail the children out of the water and stop them from falling in.

Mrs Boyd: Absolutely. I would agree with you that the transition funding is essential in order to get somewhere, but unless we change our thinking from absolutely doing only what we minimally must because there's a crisis to

something else, I'm not sure we're ever going to actually be successful.

Ms Hines: That's true.

The Chair: Thank you very much. We really appreciate your coming here and sharing your expertise with us.

LONDON CHILDREN'S AID SOCIETY

The Chair: Our next presenter is the London Children's Aid Society, represented by Maureen Reid, supervisor, child abuse intervention program, and Rhonda Hallberg, child abuse consultant. Thank you both very much for coming. Welcome to our committee. We look forward to your presentation.

Ms Maureen Reid: Great. First, I should start off by saying that we're pleased to be able to present to you. We didn't have a lot of notice because of summer holidays etc, so our presentation is based on our experience and quick thinking but not as well researched around the whole issue of juvenile prostitution. We assume that you've done a lot of the research around this issue and are aware of the social and criminal implications of juvenile prostitution.

Just a little introduction about my expertise and area of interest in this topic —

The Chair: Excuse me. Could I just ask you to identify which of the two of you —

Ms Reid: I'm sorry. I was just going to do that. I'm introducing myself; I'm actually going to even say my name. I'm Maureen Reid. I've worked 20 years now for the London Children's Aid Society. My present position, the position I've held for the past 12 years, is providing a program for families where intrafamilial sexual abuse has been identified. We work with child victims, adult offenders, non-offending parents, where sexual abuse has been verified and we are attempting to ensure the protection of the child vis-à-vis our intervention in that family system.

I also was part of the research team which investigated the Project Guardian case, which was the case of sex for consideration and sexual exploitation in London, Ontario, that involved a number of adult offenders and young boys.

My experience has been working with not only child victims but also adult offenders and family systems where sexual abuse has occurred.

I would like Rhonda to introduce herself because she has a much larger background than I'm aware of.

Ms Rhonda Hallberg: My name is Rhonda Hallberg and I am one of the supervisors at the children's aid society. Similar to Maureen, I've been there 20 years. Also, my role is child abuse consultant. In that role I do a lot of the training for social workers and police officers for the investigation of child abuse, both physical and sexual investigations, so the whole forensic investigation piece is part of my area, as well as, how does this community try to intervene with child abuse situations? So the whole role of other service agencies being involved with families, as well as the children's aid, is part of what my role is, to try and keep that on track as to where we are with that.

Similar to Maureen, I was a part of the research team and also the coordinator for the children's aid involvement with the Project Guardian investigation, so both the front-line involvement with those young boys, the investigation we did with the police, as well as then the research that we followed up on that. Then both of us are trying to take that into, how do you make that look different in our community? Part of our presentation is using that information.

I was also involved several years ago in our agency's attempts to propose a safe house project in this community. We were very aware of a group of young girls, six to 12 years old, who were involved in prostitution and wanted to look at some kind of a safe house proposal in this community. We went through that process and discovered a lot of the barriers that are now a part of the CFSA, so that's part of what will be our presentation as well, as well as our involvement in the whole attempt to look at amendments to the CFSA that can better address the issues of neglect, physical abuse and kids who are being harmed by people who are not clearly identified as caretakers, because our CFSA is pretty narrow that way. So our presentation is really from that perspective.

Ms Reid: Given that my background is more in a clinical area, I would start by saying that the issue of juvenile prostitution is complex and I think for the most part hidden in our society. I don't think you're going to go down Dundas Street and see children on the street soliciting customers. It's very much a circumstance where these aren't necessarily, in London and probably in many parts of Canada, children who are homeless, but rather many of the children who are involved in sex for consideration have homes. The issue is, rather, what's happening in the level of supervision in those homes. So it is a hidden problem and the solutions to juvenile prostitution are not simple. They require a systemic change across a whole spectrum of social, legal and economic spheres.

From a legal perspective, there was a lot of outcry about the lack of enforcement against the person looking for sexual services from a child, so when the Criminal Code was changed in 1988 to allow for charges to be laid when a minor was solicited, I think everyone expected: "This will really create quite a change. There will be a public outcry and a lot of focus on this issue and we'll solve it." That didn't happen.

Harnick said in 1992 that, in effect, 212(4) of the Criminal Code had not been effective in dealing with the problem of juvenile prostitution.

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There was a Federal-Provincial-Territorial Working Group on Prostitution in 1995 that looked at some of the obstacles. What they found was that this is a really difficult problem to investigate; that traditional policing methods such as decoy officers were neither feasible nor appropriate; that section 212(4) seemed to be only used when the customer was caught by the police in the middle of the transaction; that prosecution usually required the youth to give testimony and that often wasn't feasible.

I think of anecdotal examples of that, and we have many within the agency. We often have children who will report to us circumstances where it starts off benignly. They meet someone, they're given drives, they're given cigarettes, they're given a place to go to party, and then, not surprising to adults but surprising to the kids, the expectation one day is, "I want you to perform this act." The child experiences that as true conflict because they end up doing it because they feel they have to. There is an element of owing that's conveyed to them.

It's exploitative, there's no doubt about that, but it's really hard to lay a charge in those cases because often — in one case I'm thinking of in particular the child was over the age of 14. There was concern about whether that was a consensual sexual act between this child and that person. It's really difficult to prosecute and prove the exploitative component of that or the prostitution component of that. To a large extent it's been difficult to really police and enforce that section of the act.

Project Guardian, to the best of my knowledge, was the first and only systemic and successful application of that section of the act. What we found was, almost three quarters of the PG defendants under study were charged with at least one count of soliciting a minor. It was a controversial and complicated investigation that could have continued forever. Many of the police officers who were involved were really struggling with, at what point do you end it? Because there were always leads, there were always more areas that they could have followed up on and probably more charges they could have laid. It was a decision, we have to end this at some point.

It was a costly investigation, it was a difficult one and it certainly drew attention to the controversy in the community as well. Were these all children? The whole issue of age came into effect. Were these children exploited in all cases? A few of the children were what were referred to as "hustlers" who were seeking out services. Other children were younger and were certainly exploited and not as overt in their soliciting of this kind of activity.

One of the things we found and what we should take a look at is, who were these children? I think of this proposed legislation as having some merit, having a lot of merit, but I also see it as almost the dilemma of all these children drowning in a river and we're downstream with this bill pulling one or two out. Do we want to walk upstream and see why they're all falling in the river? That's probably where we're going to be most effective in impacting the issue of juvenile prostitution.

In the cases of the boys involved in the PG investigation, we found through the research that many of them came from backgrounds of inadequate parental involvement and supervision, parental abandonment, often fathers absent, attachment disorders from loss of parental involvement early on. Alcohol and drug abuse was a big factor. Many of these children came from homes where that had been a long-standing problem. Poor living conditions and neglect. Very frequently, because we knew over half these boys through involvement with the children's aid without knowing they were involved in the Project Guardian

investigation, we knew of histories of physical and sexual abuse within the family system.

We knew that these children came from family situations which really created a condition of risk for them down the road. We almost started to see it as a continuum because frequently there were other forms of abuse in their background so that the sex for consideration or the exploitation of these children down the road was an extension of the continuum of sexual abuse or physical abuse that began when they were small within their family. For many of them, although this was a population of boys and they tend to under-report, there were histories of sexual abuse incidents within their family system.

We had a really difficult time, and I can say this from personal experience with trying to engage these children in any kind of therapeutic intervention, largely because they didn't come forward. We consider clinically that there are two types of disclosures, one being accidental and one being purposeful. These were accidental. These boys were approached by the police. They felt they were going to be in trouble. They felt interrogated. The finding of the tapes initiated the investigation. Not one of these boys came forward to report this was happening — not one. So the whole idea that they would then come forward to say, "I want to talk about what's been happening and I feel victimized," was really kind of naive and ideal on our part.

We don't often necessarily have, even in any circumstance of sexual abuse disclosure, good success when it's an accidental disclosure. I think people work on those kinds of issues when they're ready to talk about them, and these boys did not identify this in any way as exploitative. They saw it as something that they were participating in.

It took a lot. Some of the boys, I think very few, were able to talk about that. Most really experienced a lot of distress with the whole investigation and the exposure of the activity they were involved in. So we really had a difficult time.

One of the things that was really key, and I think it's key to understanding when you look at this legislation, was that these children are not raised with pro-social values. You can't legislate values. They are not raised to trust authority figures and they are really resistant to taking direction in a pro-social manner. Many of these boys have had very poor success in school. Many of the children, even female children as well as male children, often have limited success in school or in areas where they may have their self-esteem built, so it's really difficult to start to go back and repair that.

Rhonda is going to be really specific about the actual act in those areas, but I'm trying to paint a picture of where these kids are coming from. Their need for escape, excitement and living for the moment is much greater than their idea of having goals and how they're going to obtain them and how they're going to live a pro-social life. So we're really working downstream, and my view would be, very clearly, that if we want to address this problem in a more effective way, we have to intervene much, much earlier.

The panel of experts' proposed recommendations for the CFSA are wonderful. Many of them will really be very effective in helping us intervene early around the conditions that place children at risk of, down at the end of the continuum, getting involved in these kinds of experiences. While I think that this legislation could be effective in pulling a few kids out, I don't know that this is going to be stopping all those kids who are falling in.

I'll let Rhonda speak specifically around the points of the legislation that we want to draw attention to.

The Chair: Before you start, could I just suggest to you that you only have a couple of minutes left.

Ms Hallberg: OK, I will prioritize what I'm saying here.

Probably first of all to start out with in the legislation, the preamble has a statement about believing that children who engage in prostitution "are victims of sexual abuse and require protection." We strongly support that. That is a good foundation for any of action that we take and anything that is legislated. It is a clear statement that has not been in legislation before, to my knowledge anyway. Certainly if there's any way of having this also transferred over to the Child and Family Services Act, that's a good foundation to be able to do that.

I'm sure you've heard comments about the definition of "child" being up to the age of 18. Part of the proposed changes to the CFSA is for that age group, up to age 18, and protection. In this community, and I'm sure in many communities, there are serious gaps in services for children who are 16 and 17 years old. This may assist in trying to address that. Presently, though, there is a fair bit of contradiction between this bill and the CFSA. Something needs to happen to address how you're going to then deal with those difficulties. As a child protection worker, when I get notice about a child in a safe house, that child may not then fall within my jurisdiction. How can I do that? How can I get the evidence to really do something beyond that three-day time?

1150

The whole concept of a protective safe house is very positive one. We support that. We strongly believe that children need to have a period of time that forces them to slow down. I think the three-day period of time, that three-day rule, is again in conflict with the CFSA five-day rule. We believe it's not adequate, not enough time for a social worker to fully assess the risks to the child, considering we're dealing with children who really are reluctant to talk to authorities and they really are going to be, for those first few days, the only source of information.

It may force children's aid societies into too prematurely making decisions to return a child to a family when the superficial information is that the family is safe. I'm not sure what the magic number of days is, but that needs to be looked at further as to what would be reasonable as well as in the balance of the children's rights.

The whole concept too that the child can remain in this safe house while there is yet the order to be in place certainly allows for a fair bit more planning, but I think

again you need to be careful about what the rights of the child are. You might want to look at the CFSAs, section 5, which looks at some of the issues that kids would have to be dealing with, such as access to a child advocate's office, access to legal counsel, rights for communication with family and with other persons in authority who are safe people whom they can be allowed to communicate with. We certainly wouldn't want to get into having a child live in this safe house for 30 days and saying they can't talk to anybody, but how do we define who is a safe person and who isn't, that kind of thing.

Part of what would need to be addressed about the safe house — again, we would encourage you to look at the CFSAs, because the way the CFSAs now determines a secure treatment setting or a detention setting is very restrictive. We would encourage and recommend that whatever you design the safe house to look like, it needs to be more flexible than that. If the children's aid society is to have a lot of authority in this, we need to make sure that we have the authority for medical treatment for children, for STD testing, for HIV testing, for children to have birth control counselling — all of those elements, as well as education, as well as the counselling and the crisis intervention that can happen at the safe house.

Without clear authorization for medical treatment, we're going to have kids come in, possibly have medical issues, have damages and need to be assessed. We need to have someone give authorization for that, rather than having to wait and search out for parents who may or may not be able or willing to give consent. So that needs to be addressed as well.

Part of what we're concerned about with the definition of children in need of protection is that we would recommend that subsection 1(2), which is, "a child is in need of protection if the child is engaging in prostitution," we would like to have that be seen in the CFSAs if that's at all possible, even though I know that your grounds don't quite cover all that authority.

The CFSAs, as we all know, is narrow in defining only the caregiver. Children who are in this population are kids who are out of control of their parents, many of those parents not because they are purposely letting them be out of control. The CFSAs too narrowly defines "in need of protection," so it does not capture this group.

This legislation is being narrow and is trying to capture the kids who are engaging in prostitution. There is a whole group of kids who are out of control, some of whom are living on the street. We know that the research as well as our experience supports that those kids very easily move into prostitution because it's one of the few methods of obtaining shelter, money et al, or it's a place to belong. So I think this definition of "need of protection" is also too narrow. There is that group of kids who are out of control, who are not yet or are close to engaging in prostitution. We don't have that evidence yet to say that there is that group still which we're not able to address, being able to take some sort of steps with those kids. They tend also to be ones who are quite young. Those are the ones who are the 12- and 13-year-olds.

Also, the provisions in here for warrants by tele-communication, we greatly support that. I think it's quite a creative move towards entering into the 20th century and realizing that it makes sense to realize and accept the fact that Ontario has a lot of geographical problems. Let's just accept that and let's move on with trying to protect kids. I do some teaching in some of the more remote areas of Ontario and it is a major problem there, as I am sure you know, trying to provide legal balance of due process to kids as well as to provide protective services. This is a good creative measure that allows for some of that.

We support the concept of a restraining order as well. We see that as being a widening of some of the efforts to try to make sure kids are protected by people who are not necessarily caregivers or directly responsible for abusing the kids. That whole piece is a good section to that.

Section 13, about offences: What I'd like you to consider a bit is, the CFSAs has offence sections in it as well. However, our experience is that it is virtually never used, partially because children's aid societies really are not skilled in the laying of charges and proceeding with that sort of court system.

Also, when charges have been laid under that by either police or the children's aid society authorities, seldom are we able to get convictions because we're still creating case law. So things such as duty to report, there has been the overturning of any sort of convictions on that because they're up for debates about what is "forthwith," or did the person really report, all those kinds of things.

So I'm not sure how strong offence sections can be in legislation that is provincial and we may want to have you look at how the Criminal Code can better address the issues we have with these kids, or is there a better twinning between those sets of offences? Although this is well and good, I really wonder how successful it's going to be when we consider the CFSAs has been poorly done by when it comes to trying to effect those offences pieces.

Our strong recommendation is that the children's aid society continues to need to be involved in these kids. We are glad we are a part of this proposed legislation. There needs to be a better twinning or dovetailing or meshing with the CFSAs. The CFSAs needs to be expanded and we support the amendments that are now proposed, as well as expansion on the definition of "need of protection" and, what is the action we can do with these kids once we have them?

This is a beginning piece and, as Maureen and I'm sure other people have said, this only captures a small group of what is the visible group of kids who are involved in prostitution. We'd recommend further looking at how you get a definition that addresses the needs of the kids who are running away, out of parents' control and are living on the street a lot or partially living on the street, kind of living on the curb sort of thing, because this really won't address that either.

The Chair: Thank you. Regrettably, you've used up all of your time, but thank you very much for your thorough presentation. Mrs McLeod?

Mrs McLeod: A question, Madam Chair, and I appreciate the committee has taken advantage of the expertise that was being offered to add a little extra time.

I noted that in the preliminary comments Rhon had mentioned some experience they'd had in attempting to set up a safe house in London and the barriers in the CFSAs. I am just wondering, given our lack of time to pursue it, if it's possible for legislative research to make some further contact and just learn a little bit more about the barriers in establishing safe houses.

The Chair: We'll attend to that. Again, thank you both very much for appearing before us today.

JOANN CAMPANARO AND CONNY BAREL

The Chair: Our next speaker is JoAnn Campanaro. Good morning. Thank you very much for being here. I note that you have someone with you. Perhaps you'll introduce her after you get seated.

Mrs JoAnn Campanaro: OK. This is my friend Conny Barel. She has helped me with these papers and we are great friends.

As you know, my name is JoAnn Campanaro. We have a 14-year-old adopted daughter who has been under the care of the children's aid society for the past three years, since her behaviour was out of control.

During this time she has run away from the group home provided by the children's aid approximately 16 times or more. Each time the duration is longer and the situations she is involved in have become more serious. Much of the agony and suffering may have been prevented if the right counselling for the child and parents had been available in a timely manner.

I am in favour of Bill 18. We desperately need protection for children who cannot defend or help themselves. We must act to remove this sick and costly sore from our society.

1200

I have a few comments on Bill 18. A police officer should have access to a judge or courthouse assistant in order to record an application on oath for a warrant, by telephone or other means of telecommunication, at any time of the day or night. I also agree that when the child is in any or probable danger, a police officer should be able to apprehend the child without a warrant. After the child is apprehended, it should officially be reported and an investigation should be commenced immediately. This investigation is of vital importance.

The reason that strict attention should be given to an investigation is (1) it would prevent the child going back to the same address and situation, in case he or she runs away again; (2) to help address part III of the CFSAs, where the child protection agencies need clear evidence of what happened in the present situation — in this way a correct analysis for future treatment and direction of the child can be made; (3) a provision should be put in this act that the child protection agencies and workers should have immediate access to all past and present records of the child, with or without the child's consent or court order,

again to assist in making a correct analysis for future treatment and direction of the child.

To safeguard freedoms of our society, there must be serious reasons to apply these powers of investigation. These reasons should be recorded at all times in the child's records.

These investigative powers should only be applied (1) if information is believed to be necessary to investigate allegations that a child is or may be in need of protection; (2) for the purposes of proceeding or possible proceeding under part III of the CFSAs; (3) if the information is necessary for monitoring court orders.

Last but not least, programs established by the minister to assist children are of vital importance. Children may have reached a crisis situation because of a traumatic experience in their early years; divorced parents; a genetic disorder; poor school performance; sexual immorality, which is encouraged by our present society. The Young Offenders Act permits too much freedom without any responsibility for their behaviour, and under the Child and Family Services Act, parents, police and CAS workers are restrained from protecting children in the high-risk category, in particular runaways.

It is not just that we put children's rights over their safety and protection. With counselling by a psychologist or a psychiatrist if necessary, with loving care and discipline and sometimes medication, we will be able to offer help. When needed, they should receive special education or training. In this way they can become citizens who can contribute to society and make an honest living.

The Chair: Thank you very much, Mrs Campanaro. I know it can't be easy for you to be here and I want you to know how much we appreciate your bravery. We have approximately four minutes for questioning per caucus. We're going to start with the Liberals if no one minds, because Mr Bartolucci has a flight to catch.

Mr Bartolucci: Mrs Campanaro, first I want to thank you very much for a very, very moving and compelling presentation. More important, it's a very important presentation.

In Sudbury our police force has started what's known as the DISC program. The DISC program is deter, identify, sex-trade consumers. In other words, if someone is caught soliciting sex from a child his name is published in the paper. Do you agree with those types of initiatives on the part of our police forces?

Mrs Conny Campanaro: Yes, I agree with what you said certainly, but what I'm trying to say in this paper is that I as a parent know that my child is out there, and even if I know where she is, once I send the police they cannot just go and get her without a warrant or anything. At the early stages I did send the police out and — Conny, can you tell them this, because I've told you. It's kind of emotional for me.

Mrs Barel: Yes, she was in touch with the police and the police were not able to enter the house without a warrant. She knew they were using drugs and she could stay out till 12 o'clock — that's the rule — while she has

a decent family where the rule is that the children have to be in by 10 or 11.

Mr Bartolucci: Just to reinforce that commitment that you would want from police forces, you should know that your chief here — your former chief now, because he has gone to York — is very, very supportive of this legislation and so too are approximately 32 other police forces across Ontario that wrote in support, because they understand your dilemma and they want it addressed as well. I thank you very, very much for your presentation.

Mrs McLeod: I want to come back to the point you made at the beginning and the end of your presentation when you talk about the importance of being able to get counselling for both parents and child. Has it been your experience that the counselling just isn't there or it's not there in time, where there's too long a waiting period?

Mrs Campanaro: It's been my experience with the people from the children's aid or from other places like Vanier that sometimes the counselling isn't the proper counselling. I initiated it myself, but the counselling I was given wasn't the proper counselling for when she was running away. They were addressing the problem to do with my family instead of the child's problem, which was running away. So it just didn't work at that time.

Then I had worse problems. This was before she got into the children's aid society, and after she got into the children's aid society she was given the right because she was 12 years old to go for counselling or not to go for counselling. Meanwhile, at home we were all extremely upset. We wanted it done right away. We wanted to continue counselling as long as that would help. We were all, you know: "Let's go for it. I don't care if this didn't turn out right. Let's start another time." But, no, she turned 12, so her right was that she didn't want counselling.

Mrs Boyd: I can appreciate how very difficult it is for you to speak out of this experience and I can tell how painful it's been. I certainly have had other mothers and fathers who have experienced similar problems and who really support your call for clearer provision within the CFSA to deal with these issues in a much more proactive way.

I find it interesting that most police forces and most children's aid societies are identifying exactly the same kind of gap that you are for this group of children who are runaways and that we don't seem to have the appropriate services to reach them. My sense is that if we can bring all the expertise to bear, the expertise of parents like you and the expertise of the people who are trying to work in child protection areas, we ought to be able to resolve some of these issues in a cohesive way so that we won't see kids fall between the cracks the way you're talking about your child.

1210

I'm interested in your comment, and it was just a passing comment, about the sharing of information among agencies because this has been identified for a long time as a problem, that one agency has a file and knows what the background is and knows what the problems are and what efforts have been made in the past, but another agency who becomes involved may not have the capacity

to get that information, if the child doesn't agree to have that information shared. I think that's a particularly important issue when we talk about a complex case like yours. Would you agree?

Mrs Campanaro: I'm sorry. You think it's a particularly —

Mrs Boyd: Information about what has been tried in the past.

Mrs Campanaro: Yes, I agree that this information should be shared. I think everything should be laid out on the table for everybody, and whoever can help, for heaven's sake, help.

Mrs Boyd: There was a piece of the CFSA that was never proclaimed that would have allowed some sharing of information, and that's been a centrepiece to the discussions about changing the act to make it more effective. How can we ensure that agencies aren't working in the dark, that they know what the history of a young person is and they know what the situation has been so that parents like you who are looking for help don't have to go through the whole story every time and, in many cases, have to have a whole new file and a whole new assessment built up to get help from that agency?

Mrs Campanaro: I think information should be shared for this kind of thing, yes.

Mr Bob Wood: You raised the question of consent to treatment earlier where you said your daughter was 12 years old and they said she doesn't have to accept treatment unless she consents to it.

Mrs Campanaro: Yes. It was her right that she didn't have to consent. Here we were, the poor children's aid worker, me, the lawyer, all sitting there and she didn't want any counselling. This happened over and over and over again.

Mr Bob Wood: Do you have any thought as to what the solution might be to that? How would you change the law to avoid a situation like that?

Mrs Campanaro: I think it's quite obvious. If the person keeps on engaging in, especially at this age group, 14 or 16 — these are age groups where they still need guidance, up to an age group where they still need guidance — if they keep on endangering themselves in our society, then a firm step should be taken. You sit down and say to the person under the law, "This has to be done."

Mr Bob Wood: Who do you think is best able to make that kind of decision? Do you think it should be someone like the CAS, should it be the parents, should it be a court that does that? Who do you think is best suited to make that kind of decision?

Mrs Campanaro: First of all, going back to the Child and Family Services Act, there are two kinds of parents: the abusive parent and the ones who are not abusing their children. If these parents are not abusing their children, let them make the decisions. If they want the children's aid help, fine; if they don't, leave them alone. But in the case of an abusive parent, where the intent of that parent is to do something evil to that child, then the children's aid should have complete control.

Mr Bob Wood: Could I ask you one other question? You talked about not feeling that you got the kind of help you needed when you needed it as your daughter was growing up. Could you give us a bit of a flavour of when you think more help would have been good and what kind of help you think might have been good for the situation?

Mrs Campanaro: I'm very saddened with the government especially. At the initiation of her being out of control, I thought, "Oh, the children's aid society will help me." I started to see that the police weren't effective because they couldn't do anything. They weren't effective because all they did was talk to her and she ran away again. Then they got her, brought her home. Some of them said they wouldn't even go get her; some of them said, "That's your problem." I thought: "My goodness, this is odd. What's happening to our laws here?"

Once I put her in the children's aid, I started to understand this business about her rights because she was 12 years old and, "You can't do this and you can't do that and we've got to do what she wants to do." In the meantime, she was getting worse and we weren't happy about the situation. At that time, I would have liked to have seen something different happen.

The Chair: Thank you. Since Mrs Campanaro is the only parent to come before us, I'm going to allow one more question. Mr Brown, I know you want to get in there.

Mr Jim Brown: You know the crime commission which Bob and I are members of has been around the province and probably listened to 40 different communities and you're not alone. We've heard stories such as yours and a lot of parents believe they've been disenfranchised. Their kids have in effect been taken away from them and they feel powerless. This is just a comment at the end here. You're not alone and you're very brave to come here and tell your story. I know I'm very appreciative of your telling your experiences, and we hope to do something about returning kids to their parental influences because I think that's very important.

Mrs Campanaro: I think the best place for any child is with the parents, if they're not abusive.

Mr Jim Brown: Yes, I agree.

The Chair: Mrs Campanaro, I want to thank you and your co-presenter for being here today. As I say, you're the only parents who came forward in London. You've given us a unique perspective of what it's like to live the tragedy of a child who has gone astray. We're very, very grateful to you.

Ladies and gentlemen, this concludes our hearings in London. We will adjourn for the time being and reconvene again in Toronto in September. The date now escapes me, but you will undoubtedly have it in your calendar.

The committee adjourned at 1219.



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Standing committee on
social development

Comité permanent des
affaires sociales

Protection of Children
involved in Prostitution Act, 1998

Loi de 1998 sur la protection
des enfants qui se livrent
à la prostitution



Chair: Annamarie Castrilli
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STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Monday 28 September 1998

COMITÉ PERMANENT DES
AFFAIRES SOCIALES

Lundi 28 septembre 1998

*The committee met at 1556 in room 151.*PROTECTION OF CHILDREN
INVOLVED IN PROSTITUTION ACT, 1998LOI DE 1998 SUR LA PROTECTION
DES ENFANTS QUI SE LIVRENT
À LA PROSTITUTION

Consideration of Bill 18, An Act to protect Children involved in Prostitution / Projet de loi 18, Loi visant à protéger les enfants qui se livrent à la prostitution.

YORK REGIONAL POLICE SERVICE

The Chair (Ms Annamarie Castrilli): Ladies and gentlemen, we are formally in session at this meeting of the standing committee on social development to consider Bill 18, An Act to protect Children involved in Prostitution. This is our third day of hearings. Let me first begin by apologizing for the delay. The session in the House was a little longer than we had expected. You understand that it was of course the urgency of the situation and we had to deal with it.

Let me begin by welcoming Julian Fantino, the chief of the York Regional Police Service. We are very happy to have you here on this very important topic. You have 20 minutes for your presentation. You need not use all of that time. If there's any time remaining, I'm sure the members will be delighted to ask you some questions.

Mr Julian Fantino: Thank you, Madam Chair and members. I have provided for you a copy of my presentation, so I just want to go through the issue very quickly.

Every child is entitled to full protection from all forms of sexual exploitation and sexual abuse. This premise is reaffirmed by the United Nations Convention on the Rights of the Child, an international legal instrument of universal significance, of which there are some 187 signatory countries including Canada. Obviously, although we are looking at an international situation, this whole issue of the exploitation of children, which child prostitution is, is very much a domestic problem for us in this country as well.

It has been the experience of police that predators who are involved in the sexual exploitation and degradation of children and youth are frequently well educated, well connected and capable of a myriad of glib rationalizations

to justify their particular take on life. Therefore, we welcome any initiative which serves to discourage and sanction those who would lead our youth into prostitution, a life which offers no hope, no future and an inevitable crushing of the human spirit. In this context and in this spirit, we support Bill 18, which helps to fill a current legislative void and gives the police another tool with which we may help safeguard our young people from those who would rob them of their innocence and dignity.

An overview of the current problem: What is really at stake here is the future of our nation, that being the children. Is there a problem with victimization in our own backyard? Tragically, the answer of course is yes. Children are being hunted and recruited for sexual gratification by adult predators from coast to coast, from small towns to big cities, via the Internet and many other means.

The police experience with Project "Guardian," a multi-agency, multi-jurisdictional investigation into the sexual exploitation of children, served in many ways as a wake-up call to those who failed to realize the magnitude of the problem, which has not diminished in scope or intensity since then. Maclean's magazine reported on November 18, 1996, on the arrest of an individual in Kirkland Lake who was charged with possessing, importing and distributing child pornography. It was alleged that he was part of a ring which was uncovered initially by US federal agents. The investigation was continued and the arrest made in Ontario by Project P. This is a special unit investigating matters dealing with child victimization and other issues.

According to Jim Carroll, co-author of the Canadian Internet Handbook, "There are tremendous numbers of ways in which you can hide yourself on the Internet, and the problem is only going to get worse. If the police think they have a challenge today, they haven't seen anything yet." Indeed, there are an estimated 40 million to 50 million Internet members, a certain number of whom are criminals who use the Net to prey on children. I could give you story after story of how that's done.

Certainly the power and control issue is there, where adults are preying on children not only directly, eyeball to eyeball, in certain areas of our cities but also making contact with vulnerable children on the Internet to entice them into a life of prostitution or to otherwise engage them in sexual activities, including the making and distributing of child pornography.

Do we not need to supplement new and improved laws with a renewed focus on hitting the causes of crime and addressing societal attitudes before people are involved in such activities? In October 1995, the Federal-Provincial-Territorial Working Group on Prostitution released its interim report, which stated at page 3:

"Communities are alarmed at the growing numbers of young people involved in prostitution. Most adult prostitutes state that they entered prostitution as youths. Both sex trade workers and professionals suggest that the average age of entry is 14. In recent years, this age may have moved downward; there have been cases of children as young as eight or nine years old being sexually procured."

What has been the general response to this situation? We would suggest that the public has been largely apathetic or perhaps in denial. Worse, the predators have gone on the offensive. In 1996 one of their advocates, Gerald Hannon, a self-admitted male prostitute and long-time proponent of intergenerational sex, was invited to speak to a gathering of University of Western Ontario journalism students. We have a zero tolerance policy throughout this country for advocating violence against women. Should the same standard not also apply to children?

According to the University of Western Ontario student newspaper, the Gazette, this individual had the gall to publicly state, "Some 10-year-olds have told him that they feel in control of situations of intergenerational sex.... Sex is not the worst thing that can happen to a child." As quoted by the London Free Press from the same meeting, he further stated that "sexual relationships between adults and minors are not necessarily an abuse of power on the part of the adult." Is it this type of amoral attitude which must be challenged legislatively and publicly? I suggest it is. This is akin to the lambs chasing the wolves kind of an idea.

Currently, police have a very limited ability to intervene in situations involving young persons older than 16 but less than 18 years of age who are engaging in sexual activities with an older individual. Certain court decisions have steadily eroded our ability to effectively utilize the provisions of the Criminal Code of Canada for this purpose. There are cases which make reference to all of that, of course, with respect to certain offences, that were offences and are no longer that within the Criminal Code, as exceptions or as offences that violated, as interpreted by the courts, section 15 of the Canadian Charter of Rights and Freedoms. Therefore, they don't have the effect of law any longer. Many of these decisions have damaged severely our fight to prevent older pedophiles and those who are recruiting children into sexual activity to pursue them.

We note that the proposed private member's bill would define a child as a person under the age of 18 years. In appropriate cases this would also allow the police or a child care worker to intervene for the safety of the child. We highly endorse this measure. It is helpful that pursuant to subsection 1(2), a child is deemed to be in need of protection "if the child is engaging in prostitution or

attempting to engage in prostitution." Present legislation does not adequately address such situations.

We note as well that section 10 of this proposed legislation permits the minister to establish programs to assist children in ending their involvement in prostitution. This is highly commendable but requires both political will and money, of course, to turn this into reality. Is the government prepared to support such a measure financially? We sincerely hope so, for otherwise the legislation would be much less effective.

The penalties for offences set out in this legislation are both strict and appropriate. The proposed Bill 18 sends a clear message both to the public and to abusers of children that this behaviour will not be tolerated.

I have a couple of items I had jotted down that I want to allude to. This power imbalance has to be recognized as a power-and-control issue. There is no way that child prostitution can be rationalized as an activity where children can make informed decisions to engage in this sordid activity. It's a predatory activity. I can tell you my own experience. I'm very well aware of investigation upon investigation where predators are travelling the country purposely to seek out children at their most vulnerable and weak time to engage them in prostitution.

This is also an activity that profits organized crime. It goes way beyond the tentacles of a mere situation involving local activities. These are the most vulnerable components of our society. Child prostitution is definitely a form of sexual abuse.

In closing, I suppose if I were to reflect back on the Badgley commission, three volumes of a report following a very substantive, very involved investigation in 1984 of all the issues dealing with this particular occurrence, child prostitution and all of this exploitation of children have been visited time and time again.

It took us some nine years, for instance, from 1984 to 1993, to have embodied in our Criminal Code the offence of being in possession of child pornography and the importation of child pornography — nine years to respond to an item of very significant concern about the need to protect our children. There's no way you can ever engage in, make, produce, sell, distribute child pornography material, as an example, without first abusing a child.

I just want to again underscore that we have travelled down this road many years, many times before. What is necessary is a victim-focused approach. Children who engage in prostitution are victims. We'd better get our head around that issue.

The Chair: We have approximately three minutes per caucus. We begin with the government.

Mr Jim Brown (Scarborough West): Congratulations on your new appointment. I attended your seminar on childhood sexual exploitation. It was held in Aylmer. I came away just amazed at how this whole industry is growing in exponential numbers. When I stay here late at night after the Legislature and go back to the Solicitor General's office, I notice that along Grosvenor Street, right in our front yard, is a young male stroll. There it is right in front of our Solicitor General's building.

I agree with you that the children are victims and that people are taking advantage of them, either the john or the pimp. The pimp usually ends up selling drugs to them, so they're a combination pimp and drug dealer. I'd just like your comments. It's been proposed, for example, that we seize the cars of johns to reduce the demand and make punishment more meaningful to johns, and in addition to that, when we get the pimp à la drug dealer, that we seize the assets and use them to either plow back into OHIP for some of the costs OHIP has put forward or into policing because of the investigative costs this epidemic has caused. What are your comments? What else can be done besides Bill 18?

Mr Fantino: I think you've hit on a very significant issue, the deterrence factor. Clearly, I don't think people today are too intimidated by the laws of the land. I hate to say it but that's the reality of it. I've always maintained that in order to hammer home the point that the legislation is trying to make, you do everything you can lawfully to discourage the activity. Seizing the car — they're doing that I believe in some communities in this country, or they're proposing it — I think is a very fine idea and is something that should be pursued.

I'd also like to go one step further. Any offence against the vulnerability of a child by predatory, astute people who scheme to entice children into this kind of activity should be a hybrid kind of offence. They should fall into the category of absolute societal disdain. Yes, seize their cars, seize their assets if you can, absolutely, and discourage the activity to whatever extent, because everything is profit motivated. This is a profit kind of thing in which the children are the commodity, if you can believe it.

1610

Mr Jim Brown: Take away the incentive and dry up the business.

Mr Fantino: I can give you one quick story. We go around the world saying how sophisticated a society we are. I've been there at some of these Interpol meetings all over the world. I was at a meeting a year or so ago in a country where there were people in attendance from everywhere. The whole issue was this business of buying and selling children. Third World countries basically engage in all this sex tourism and on it goes. We were quite concerned about all that until a very senior police official from one of those countries we were sort of fingering for not taking proactive and clear measures to protect children said, "We wouldn't have a problem if you kept your Canadian and American tourists at home who come here to exploit children."

Mr Rick Bartolucci (Sudbury): Thank you very much. Chief Fantino just touched on a topic that I was going to ask him about. Agenda for Action is a document that everyone should read. It provides an international perspective on this problem. Chief Fantino also suggests in it that this is a local problem, it's not only international. Chief Fantino, there are lots of people who are against this legislation, more people for it, thank God, but there are some people who are against the legislation because of its constitutionality.

We devised this legislation to withstand a constitutional charter. It was the opinion of several lawyers, some of whom are constitutional lawyers, that this would withstand a constitutional challenge. Do you as a police chief have a problem with the deterrence section of this legislation as it is, shall we say, unconstitutional or unfair and only the federal government has jurisdiction?

Mr Fantino: I don't have any concerns. Of course, I'm not a constitutional lawyer. I'm not a lawyer, I'm just a layperson who works within the system. But I was just in Ottawa at the memorial service for fallen prison guards and police officers this past weekend. We marshalled outside the Supreme Court of Canada building. I wondered if those people were plugged into what's really happening in our society today in Canada, how things have deteriorated and how we've let things get away from us.

I'm afraid we've been hiding behind the Constitution a little bit too much to do what the greater public good requires us to do. I hope that isn't any kind of a bad reference to our system of justice. Clearly to me the Constitution is supposed to be for the greater public good. I don't know what problem there can ever be when we're endeavouring and trying everything we can to protect our children, who are the most vulnerable assets we have and being preyed upon by sophisticated criminals who are ruthless and care for naught. It's time that the Constitution began to reference the greater public good and the need to protect vulnerable people from victimization. That's my take on life. I'm a simple person. I'm just a taxpayer.

Mr Bartolucci: Just a very quick question, and thank you for that answer, a very important answer. You know that this legislation goes up to 18 and you support that. Would you also support the Child and Family Services Act being increased to 18 as opposed to 16-year-olds now?

Mr Fantino: Your question goes to the heart and soul of the disparity we have with regard to different age categories for different offences, different pieces of legislation. All these should really be harmonized. We have a great disparity here on that age issue. That has to be revisited. It has to be done across the Criminal Code and some of the provincial pieces of legislation. We're all over the map.

As you know, you can do some things — if you're 16 you can drive; if you're X number of years you can do some other things. Then we start debating when children can and can't do certain things. My point is that children who are engaging in prostitution activities or in sexual encounters with some of these pedophile types are totally and absolutely victimized because of their lack of sophistication, their lack of maturity, their lack of ability to make rational decisions about such important issues.

I think we need to harmonize all of the legislation that deals with children. In this country we need to develop child-focused child protection legislation that is current, contemporary and not the debate of charter arguments all over the place.

Mrs Marion Boyd (London Centre): Thank you, Chief. You and I agree very much on the whole issue

around exploitation of children. We've both suffered a lot of criticism, you for being the chief officer involved in Project "Guardian" and I as Attorney General for funding that project.

Part of the misunderstanding was about the nature of your objection, that any child who is exploited is being abused. Today in your presentation you've focused almost entirely on male prostitution even though, as you know, the Badgley commission identified sexual abuse of girls as being much more prevalent than boys, both serious but certainly girls. Those of us who work with prostitutes know that there are many more exploited girls, actually, overall.

I would like to ask you to just affirm on the record that of course it's serious if this is abuse of girl children and youth, not just males, and to counter some of the criticism that has come because that particular focus was on the issue of male prostitution.

Mr Fantino: Your point is well taken. My experience of course, long before the male prostitution issue, was really with female children being exploited and sought out in certain places even in the city, and on it goes. That's a given.

However, the reason I focused on the male aspect is because that is the one issue that really has not come to the surface. We don't seem to have come to realize that male children are just as vulnerable, and equally victimized, as female children are. The big emphasis has been on female children. I certainly don't take anything away from that. That's very legitimate and very much necessary.

But clearly in my experience, in my humble opinion, we have not as yet begun to deal with the male children who are victimized in their homes, in their neighbourhoods, within the institutions or on the streets, and also the conditions under which those children, as Mr Brown pointed out, find themselves on the strolls. Why are they there? We haven't really got our heads around that issue just yet.

Mrs Boyd: That's my other concern. How do you feel about the police having the responsibility to try to determine whether it's appropriate to return a child to a home when we know the prevalence of home-based abuse is the real issue in child prostitution?

Mr Fantino: I think whenever the police are engaged with children, as you are well aware, we don't or we should not operate in isolation. We should be partnering with the various entities, the agencies which not only have experience but they have a mandate as well. We're required to notify them, as you appreciate.

I see this as the police taking a much more proactive role as a more involved partner, if you will. But you're so right. In some situations you can't just assume that everything is well at home. The reality is, and I go back to what I said earlier, why are they there? Why are they engaging in this activity? Why are they vulnerable to this extent? Invariably some of that is that children are running away from home situations or things that are happening in their own lives.

So I agree with you. It's my assumption that all of this would be investigated before you just up and return a child to the last known address.

The Chair: Thank you very much, Chief Fantino, Julian to me as a personal friend. I want to thank you for taking the time to be here to share your expertise with us. Twenty minutes only begins to scratch the surface in any of these presentations. We know it's difficult to do. Thank you very much on behalf of the committee.

Mr Fantino: Thank you for the opportunity indeed.

1620

VELMA DEMERSON

The Chair: I call upon Velma Demerson, please.

Welcome, Ms Demerson. We are very pleased to have you here with us.

Ms Velma Demerson: Thank you very much. The title of my talk today is Bill 118, Traces of the Past. You can see by the title that I am bringing up the point that we haven't really gone that far in the past 50 years or so, that there are a lot of similarities going on today that were happening many years ago.

The title of the proposed act, An Act to protect Children involved in Prostitution, may be new but the contents are similar to past legislation directed against females for immorality or anticipated immorality. It is girls who have been placed in convents, refuges, reformatories and homes for the feeble-minded.

Times may have changed and boys seem to have entered prostitution, but in the public imagination a prostitute is a girl or a woman. In order to emphasize this, you'll notice that when you're watching the news sometimes you'll see girls being pointed out as prostitutes on the corner.

Still, whatever a girl's offence is, it may be overlooked unless recorded in law. She is being officially noted as someone who must be locked up. Most of those apprehended under this new prostitution act will be girls. Why should the member of a powerful bureaucracy, the police, also use the tactics of coercion which they claim are being used against the child by exploiters?

Parents are especially inclined to report their daughter's wanton behaviour. Moral standards may be higher in some ethnic communities where marriage within the group is highly regarded. Deviant behaviour by a girl may not be tolerated. Fear drives the mind to evoke images of disease, pregnancy, drugs and depravity. The family's status is at stake. They might prefer that their daughter be dead.

Bill 18 is proposed in a climate of fear. This same fear can be seen in an article entitled "Protective Bureau for Young Girls," which is attached, which appeared in the Mail and Empire on January 8, 1919. This protective bureau was to be for girls 16 and over. The persons who proposed the act were members of a eugenic organization called the social hygiene council. Through their efforts, legislation was enacted under the Female Refugees Act. The Female Refugees Act had come in earlier in the century, in 1913. By manipulation, the act had included

women as well as children. Women were put into industrial refuges and given long terms, five years.

In 1919 this was changed when this protective bureau came in. What happened was that one girl who was trying to escape from the Good Shepherd refuge died in the attempt and there was a public uproar over it and they reduced the sentence to two years. But at the same time that they reduced the sentence, they also brought in this legislation whereby they could arrest females from 15 to 35 for being idle and dissolute. The girls were charged with being incorrigible. It so happens that "incorrigible" isn't in the Criminal Code, but these girls and women were being sentenced in a magistrate's court. At the present time, inasmuch as I was one of the persons who was arrested under this act, I am bringing this matter up before the Legislature.

The girls were arrested for being idle and dissolute. This act lasted for 50 years and it was repealed in 1964, so you may have some idea of how many girls and women were unlawfully arrested. Most of them didn't know it. They didn't know it was illegal.

The act came into existence in 1913, but this section of the act where girls were deemed to be incorrigible came in by the firing up of eugenic propagandists. The church declared war on immorality, the medical profession was concerned with venereal disease and the psychiatric profession claimed the country was being overrun with dangerous mental defectives. Does that ring a bell?

It was decided to nip it in the bud, in the beginning, by measuring the intelligence of children. Today that would be termed a psychiatric examination. As for the fear of girls acquiring and spreading venereal disease, the loyalties of the medical profession were obvious: Men or boys, who had the highest numbers of venereal disease, were never locked up. Today the emphasis by the medical profession is on drugs. If one believed the media, one would think that prostitution and drugs were symbiotic, that there couldn't be one without the other.

It seems that persons with strong ideologies, like the members of the social hygiene council — and when I'm talking about social hygiene I'm also referring to Alberta and British Columbia, where sterilizations were performed. We think that these people weren't here in Ontario? Yes, they were here. Yes, there were sterilizations in Ontario too but we didn't have to have an act for it. It could be done under the idea that a person needed an operation for other reasons, that they were sick.

Also, historians have little good to say about our early Christian child savers, and we all know about these training schools. They used to be called industrial schools. As mentioned, I was one of those charged under the Female Refugees Act. I was sentenced to one year for running off to marry a Chinese. Unfortunately, I was apprehended. I was 18 years old. The refuge was called Belmont Home. It was officially called the Toronto Industrial Refuge, but I think even in the phone book it was called Belmont Home. It was located on Belmont Street in Toronto. Presently in its location is a large nursing complex called Belmont House. Belmont House includes two old persons' homes

and a refuge. Outside Belmont House you'll find a plaque that says, "The girls left in 1939."

1630

The refuge was a large house with barred windows. It could well be described as a protective safe house. As far as I know, the girls were all like myself, charged with "incorrigible." Yes, I did meet a girl at the refuge who had been found in a bawdy house, so I guess she could have been considered a prostitute. Certainly, being charged with "incorrigible" is better than being charged with being a prostitute. But of course, as mentioned before, the charge of "incorrigible" wasn't in the Criminal Code and now the Ontario government is faced with admitting that they made a mistake.

One of the most horrific sections of the Female Refugees Act was the right of any person to report a girl's behaviour. This could be anyone: her ex-boyfriend or her neighbour or a passerby. Is this any different from the present proposed bill? Bill 18 lends itself to vicious reporting and exaggeration. In my case my father initiated the arrest. He was afraid that his daughter would marry out of her race and disgrace the family.

The Toronto Star on June 6, 1993, reported that a man had hired a hit man to kill his daughter's black fiancé. The judge said it was a Greek tragedy. Such a reference is in itself racist. A white girl in the company of racial minorities will surely be targeted by police as a likely prostitute.

In Bill 18 "protective safe house" means "premises designated as a protective safe house by the minister," but there is one thing I would like to make clear. Protective safe houses are not necessarily permanent. It is within the power of the minister to transfer an inmate from one safe house to another. A reformatory can be a safe house. For instance, under the Female Refugees Act we girls, some as young as 14 years, were put into large houses with barred windows. They were called refuges.

One would have thought that women and children sentenced by the court to refuges operated by Protestant or Catholic church members were safe and the girls would be humanely cared for. I was one of the 47 girls transferred from the Toronto Industrial Refuge, also known as the Belmont Home, to the Mercer Reformatory for Women on King Street, Toronto. The Mercer reformatory had a notorious name, not only amongst the public but also amongst the officials of the judiciary. We were transferred because the refuge required additional funding. The Ontario government was unwilling to provide it.

In the refuge we girls slept in dormitories. When we arrived in the reformatory we were each put into a small barred cell. The reformatory was short-staffed. The matrons never spoke except to issue orders. We were permitted to talk for less than two hours a day. We spent about 12 hours a night alone in our cells. We weren't allowed to talk. We got a book about once every fortnight if we were lucky.

Large institutions are dangerous. Fewer attendants means less communication and less personal contact. We were put under the care of Dr Edna Guest, a medical researcher. There is evidence that the doctor was engaged

in venereal disease and cancer research on girls in the Mercer reformatory. Dr Guest was also a member of the social hygiene council.

It is my understanding that in some cases today the inmate of a detention centre may refuse treatment by the jail doctor and have access to her own physician. It so happened that I wrote a letter to — I think it's called the Metro detention centre for women; I'm not sure of the name — because there was something in the paper there about a lady who had cancer and she was refusing any treatment by the jail doctor. Anyway, I got an answer back from there and they said that she was allowed to have her own doctor; at the same time, they said she had been released. I would like to know to what extent this is done. Who will pay for this service? What if a prison is privatized? What individual medical services will be provided?

Should the children's prostitution law come before us, it may spell disaster. Not only will its enforcement become unruly, but girls apprehended under it may seek damages for sexism, racism, age discrimination and harassment. Police will be in a tenuous position to avoid entrapment.

The Chair: Thank you, Ms Demerson. Regrettably, we have no time for questions, but I want to thank you for your bravery in coming forward and telling your story and assure you that your story will form part of the formal record of this committee. Thank you very much.

Ms Demerson: There is one thing I'd like to add with regard to the last speaker. The idea of international prostitution is the same story that came out earlier in the century when they were talking about white slavery. Historians have found out that white slavery never took hold in this country. There are enough homeless children in this country without anyone having to go abroad looking for children to exploit.

The Chair: Thank you again, very much.

YONGE STREET MISSION

The Chair: I call on the Yonge Street Mission, David Adcock, Ruth Ewert and Pat Nixon. Thanks very much for being with us this afternoon.

Mr David Adcock: Thank you, Madam Chair and members of the standing committee, for the opportunity of appearing. My name is David Adcock. I'm serving as the associate executive director of Yonge Street Mission. With me are Ruth Ewert, who serves as our mission director of the street health centre, which is profiled in the handout you have in front of you; and Pat Nixon, who is the executive director of the Mustard Seed in Calgary, an affiliated organization with Yonge Street Mission, and who happens to be in town this week. That jurisdiction passed some legislation involving child prostitution responding to the issues of children involved in prostitution and is just awaiting royal assent. As he was in town, I asked him to come along and give his perspective on the differences in the jurisdiction in Alberta. He'll be concluding our presentation before questions this afternoon.

It is my honour to serve as the associate executive director, but I thought it was important, rather than hear

me in the executive office speak, to listen to people involved in the grassroots part of our organization who actually serve young women and young men involved in child prostitution and allow them to tell their story and bring their perspective on this laudable act. We are deeply encouraged that this bill has come before the Legislature. I'd like to commend the author and those involved in the preparation of this act.

Yonge Street Mission sincerely applauds Bill 18's significant strategic direction in protecting children under 18 involved in the life-shattering evil of prostitution. We encourage this committee to develop this strategic response by advocating that appropriate amendments be adopted that would strengthen the intent of this bill and extend its effectiveness. It's our opinion that these potential amendments would make a good initiative even stronger.

Ruth Ewert, as I said, is the director of our health centre for street-involved youth. She sees about 6,000 young people aged between 12 and 24 each year and provides a variety of services. I'm going to ask Ruth to provide the bulk of our presentation and then leave us, after Pat, with good time for questions.

1640

Ms Ruth Ewert: I too would like to congratulate Mr Bartolucci on his work and his vision to protect children in prostitution and the work he has done in introducing this bill.

Almost daily for the past 10 years I have been in contact with many of Toronto's child prostitutes. This bill, however, as it stands, although very worthy in its intent, is actually weak and deficient in a number of areas. I would like to just go through those.

First of all, regarding section 1, the definition of "child," specifically raising the age of "child" from 16 to 18 for the purposes of this act alone, will create many extra difficulties for all those who work with children in this age group, but especially for the children's aid societies, which are specifically mandated to carry out the Child and Family Services Act.

To define a child as a person under 16 one moment and under 18 for another purpose will add untold difficulties for both the children and those working with children in these age groups. We need to look at all our legislation, bringing harmony and consistency and political will and money to our desire to protect children in this way.

Section 6, confinement in protective safe houses: The bill recommends the child be conveyed to a safe house following apprehension where the child is confined for three days, after which three basic options are decided upon; one being returning the child to the custody of a parent or custodial adult. This is to return them, in most situations, to a situation they probably ran away from in the first place, an even worse situation than prostitution. We have determined from our work with prostitutes that nearly 100% of child prostitutes are or were victims of sexual abuse in their own homes, usually by the parent or custodial adult, long before they became prostitutes.

Returning them to such a situation would only be furthering their abuse.

The next option, of releasing the child, would likely cause the child to re-enter the situation from which he or she has just been apprehended, causing him or her to become even further entrenched in the lifestyle. Asking the child protection worker to make the child a ward of the CAS is also a problem. Already the spaces for teens 12 to 16 are critically short. What will happen when we add another large group to their load?

Safe houses in Toronto are few and far between. Many more would need to be designated. Furthermore, the so-called safe houses are not really all that safe. Children constantly find ways to leave. In the 10 years I've worked with children in this city, I have known many over the years who have eagerly left safe houses while in protective custody. A better solution than those described in section 6 must be found.

Section 9, application for restraining order: Restraining orders are extremely ineffective in keeping a pimp or a person pimping a child from continuing to pursue that child. At best, such an order is weak and only delays the inevitable. Pimps run an extremely tight network. If one is restrained or arrested, another will immediately take over. Eventually, even greater harm will come to that child when he or she is released from protective custody because the pimps will assume that the child has in the meantime provided police with damaging evidence.

Almost every child prostitute has a pimp. To overlook the actual or perceived power that he or she has over the child and not to deal more definitively with the pimp is indeed very short-sighted. Very few children in prostitution ever successfully leave their pimps. A restraining order on a pimp only makes him or her more dangerous and drives them underground.

Then what happens to the 17-year-old who turns 18 and is no longer protected by this bill? She will be mercilessly stalked, then found and surely harmed by the underground network. In the end, the child's fate will likely be worse than if he or she had never been apprehended and protected in the first place.

Section 10, programs: This should be the longest section of the bill; instead, it is one of the shortest. It says, "The minister may establish programs...to assist children in ending their involvement in prostitution." Children need and must have programs or we will never be successful in protecting them.

The reasons children are in prostitution in the first place and those keeping them there are many and complex. They have all suffered abuse of various kinds. They are no longer part of a stable family situation. Many never have been. Almost 100% of these children have addictions and chemical dependencies, frequently forced on them by their pimps and by the nature of their work. They are often sick and usually emotionally disturbed. They are usually uneducated and illiterate, having left school early. They need and must have treatment programs for emotional trauma, physical illnesses, substance abuse and addictions. They must have help to overcome emotional trauma and

addiction and get appropriate educational and career opportunities.

Unless comprehensive treatment programs are part of this bill, it will not be successful in protecting and helping children involved in prostitution. Again and again, I have spoken to and seen prostitutes returning to their pimps and to prostitution because they have no other skills or opportunities and know only that. We must establish programs before we begin apprehending children or we will end up traumatizing them further, pushing them further underground to enable them to escape subsequent apprehension.

Section 13, the offence: Both johns and pimps must be punished. Who is being punished in section 13 is not really clear. What the offence is, is also not clear. The \$25,000 or 24 months may be sufficient punishment or deterrent for a john; it is simply not enough for a pimp. Pimps are incredibly abusive of child prostitutes in every way — emotionally, physically and sexually. If we are to truly protect children in prostitution, pimps must be dealt with in such a strong way that a clear message is sent to all who would so abuse children.

In conclusion, again I would like to say that this bill is an excellent beginning, but as it presently stands it is weak and even impotent in some areas. I therefore urge this committee to require further revisions and improvements that will truly begin to protect children involved in prostitution.

Mr Pat Nixon: Thank you for allowing me to be here today. Coming from Alberta, taking a look at a similar bill there and knowing that you were discussing this today, I was very excited to have an opportunity to speak to it. I really appreciate the opportunity.

I want to applaud your efforts. I've read through the bill and I felt like I was reading much the same kind of bill that I was reading two years ago in Alberta when we were first scratching it together.

Mr Jim Brown: Was that Bill 1?

Mr Nixon: Bill 1, that's right. Bill 1 was passed unanimously, and we were able to celebrate, as Albertans, as agencies in government, that we were finally trying to put some teeth in the laws that were there to really give us a hand to deal with our problems.

I work in a front-line street ministry. Right outside the door of the organization I work for prostitution takes place. Girls as young as 12 years old have worked right outside the window of my office, selling themselves; girls as young as 12 years old have been arrested working outside those offices; and girls as young as 12 years old have been returned to the street to work again because there wasn't proper programming to assist them to truly get off the streets. All the people involved in trying to assist the girls who work outside on our street to get off are very disappointed. It's very difficult to work that hard and see nothing happen.

When we started to work on Bill 1, there was great excitement on the part of the government but also the front-line agencies that finally we were discussing solutions, coming up with ideas. There were concerns, and I'll get to them, but Bill 1 seemed to address some of our most im-

mediate needs and it also gave us an opportunity as a community to join together and truly work on a problem together. I was excited to see the community involvement.

1650

Proclamation of Bill 1 has been postponed from October 1 to January 1, I believe. That was done because the programming was not totally established at this point to support the bill. If children were taken off the street, we would be unable to provide them the programming until January 1. Edmonton has done a good job in establishing the programming. Calgary is a little behind the eight ball, much to do with real estate fees and availability of property in that city. But I was assured today on the telephone that they feel that by January 1 they should be in full operation.

The other concern about postponing that from October 1 to January 1 is to make sure we're not hurting these children any further. For years we have been taking children off the street, maybe by vice or the city police or assistance from family social services. We try to see how we can help them. We do not have facilities, we don't have programs, we don't have the ability to offer them safety, and on several occasions we have seen young people die, people I've known, because we have allowed them to go back to the street. They've been beaten and found dead, off in ditches. Bill 1 is important to help us deal with that.

Anything less than a 100% effort to fulfil the intent of Bill 1 or Bill 18 would greatly reduce the success of getting young people, boys and girls, off the streets.

Make no mistake: Child prostitution is child abuse. It is cult-like in the way that children's minds are manipulated to do things that were unthinkable even moments before they do them. I've spoken to many child prostitutes over the years. I talk about their first act and that is the word they use: "It was unthinkable. I can't believe I did that. What happened to me?" It becomes quite the mind control, very cultic.

Those who take advantage of these children are child abusers. They are people who are very selfish and only thinking of their own fulfilment sexually, their own control. Over and over we are seeing men on the strolls, johns who are going out to pick up younger and younger girls. When I ask the johns, "Why are you out here? What are you doing? Why are you picking up these young girls?" they say, "I have a need for control." These are adults wanting to control people.

I've interviewed over 100 prostitutes in my 15 years of front-line street ministry and a large majority tell me that they began their trade, if we might call it that, or began being involved in prostitution between the ages of 14 and 17; the average is 15 years old. A lot of these prostitutes are women who have been out there for some time. If we are to really eliminate or at least take a good stab at prostitution generally, we have to start with juveniles, because that's when these women are starting, as young girls.

I spoke to the staff sergeant in charge of vice crimes in Calgary this morning. They are very much anxiously awaiting this bill to be proclaimed so they can start their

action. I spoke to a minister in charge of social services and child welfare, again very anxious, who already has been able to put some processes in place before that proclamation, which is exciting.

I have one thing to say in terms of a suggested change. The application for warrant to apprehend, in section 2, gives apprehension responsibility to the police. One thing that's different in Bill 1 in Alberta is that it also gives responsibility and authority to the director of child welfare. I don't know what the department would be called here, but in Alberta it would be family and social services, child welfare. I encourage you to consider that, because it's often the social workers involved in those departments doing the front-line work who uncover some of this prostitution. I would just encourage you to take a look at some changes there to make that possibly more effective.

I recommend that you involve yourselves in some progressive programming. It is not good enough and will not be good enough if all we do is bring a young child into a program that takes them in for a few weeks, maybe, and then dumps them back on the street. We have to be involved to rebuild people's lives. That's why that postponement is in Alberta. We don't want to make a mistake. We don't want to rip off these children.

In closing, I would like to make mention that Saskatchewan has a similar bill that they are working on. They've taken a look at the Alberta model and they've become excited about getting that through. We are in the process in Alberta of speaking to people in British Columbia about starting to work on a similar bill, and it is also planned that we would go to Manitoba and start to work on a bill there, understanding that this is a Canadian problem. Yes, we have to deal with it as provinces, but the young girls and boys who are out there are being moved straight across this country. Unless we address it across the country, I'd be afraid it won't be as successful.

I want to again thank you. I'm excited that Alberta and Ontario have an opportunity to lead the charge against this abuse. I hope that Bill 18 is very successful. It would be a big help to children.

The Chair: I want to thank the representatives of Yonge Street Mission. Particularly I think I can speak for the committee when I say we really appreciate your cross-country perspective. It's very helpful for us to have.

TORONTO PUBLIC HEALTH

The Chair: I call upon the Toronto department of public health, Connie Clement. Thank you for being here, Ms Clement. Welcome to our committee.

Ms Connie Clement: Thank you. I'm very glad to be here and I'm very glad to follow the speakers from Yonge Street Mission and Alberta.

I'm here because of a project undertaken in the past year in Toronto. You have just been handed out copies of a report entitled Toronto Roundtable on Prostitution Involving Children and Youth. This report was a product of a round table mechanism that was used to discuss the

current situation in Toronto and to develop recommendations for action.

Toronto Public Health provided the facilitation and the secretariat, but the round table itself consisted of a broad range of stakeholders, including the police, particularly the juvenile squad, staff from the Ministry of the Attorney General, the Toronto Board of Education and a number of key downtown social service agencies that serve youth in Toronto, particularly youth who are involved in prostitution.

From a public health perspective, I'm going to refrain from commenting on many of the aspects of Bill 18 because I believe that the front-line agency staff have a stronger perspective to bring to you, but I want to share several comments today.

First, I want to commend the bill for defining prostitution involving children and youth as child sexual abuse. That's a critical shift that needs to be happening and certainly the round table looked at that as commercialized child sexual abuse. However, the bill alone will not shift social thinking to redefine what we typically call juvenile prostitution as commercialized child sexual abuse.

Resources must be allocated by the provincial government to establish and support programs that have as their goal the elimination of such activities and prevention of such activities. So again, I commend section 10 of the bill for allowing the establishment of such programs that may be necessary, but in keeping with the previous speakers, I would suggest that rather than simply allowing that power, such programs must be an integral aspect of the implementation of the bill.

Another concern that I suggest you explore further is mechanisms to ensure strong partnerships between police and agencies serving youth and children. In the round table report the group recommended that the Ministry of Community and Social Services, in partnership with corrections and the Attorney General and the federal Minister of Justice, review the Ontario Child and Family Services Act, the federal Young Offenders Act, the Criminal Code and any other legislation that might relate to this topic to see how all pieces of legislation need to be adjusted to integrate the concept of commercialized child sexual abuse.

I believe that such a comprehensive review would be more likely to foster comprehensive solutions with stronger social and judicial components and authority to balance the enforcement emphasis that's in this current bill.

Finally, I would ask that you review further the age definition you are using of 18. As the previous speakers said, many services currently and different legislation and protocols and practices make a distinction now between under-16s and 16- to 18-year-olds. The kind of comprehensive review that I just suggested would address this concern to ensure consistency across various pieces of legislation and to ensure that implementation is practical. I believe that an age reassessment and comprehensive review would also enhance options for providing intervention services across the board that are more age-

appropriate rather than the emphasis you have now on enforcement.

I commend you for undertaking the bill and the intent of the shift in social thinking that's in the bill and I ask you to go further to enhance the judicial and social aspects to match the police powers that you're looking at here.

1700

The Chair: We have approximately four minutes per caucus.

Mr Bartolucci: Thank you very much, first of all, for your presentation. I'm sorry I missed a few moments of it. I do apologize.

There is a section with regard to programs, and I think every one of the presenters is absolutely correct that we must change the word "may" to "must." There has to be an educational component attached to it.

What would be some of the programs that you would suggest are extremely important to be found in that type of legislation or to be undertaken in that type of legislation?

Ms Clement: I'm speaking in part from the round table experience with other agencies. It's partly prevention. The school board was there because they very clearly felt there was a prevention role — their prevention capabilities for training and supporting staff throughout the child welfare system to help identify when there's risk of prostitution activities for a child or youth, what are the changes in someone's life. There are all of the key social services that need to be able to intervene for anyone who has a street-involved life, particularly in the urban centres.

But I think the last speakers spoke very clearly when they said it's a Canadian problem and it's a provincial problem. I speak from a Toronto perspective. The youth here who are engaged in commercial sexual abuse activities are from all over the province and all over Canada. So we need both that intervention and the local programs to support youth. Certainly programs like Yonge Street Mission, and there are a number of programs working with street-involved youth, are doing absolutely vital work. As far as I know, there is only one program downtown with the core mandate of working specifically with youth and children involved in prostitution. It's inadequate for a city of our size and for a province of our capability.

Mr Bartolucci: In Sudbury this is a huge problem. It probably was there for a long time and we just didn't look at it closely enough. But certainly over the course of the last year it has manifested itself enormously. It has everyone fearful.

In Sudbury, our very proactive and very positive police services have enacted the DISTC program which began in British Columbia — deter, identify sex-trade consumers. What we do is we print their names in the Sudbury Star and in Northern Life. I'm a big fan of that, I have to honest, but there's lots of controversy about it. From a public health perspective, what would you feel?

Ms Clement: I don't think it's a public health answer; I think it's a social and political answer as to how you want to resolve that. Public health is involved locally in John school. We do the sexually transmitted disease teaching component of John school. We are involved in

Streetlight, which is a diversion program for women involved in prostitution in Toronto, again for the educational aspect.

I think the kinds of social solutions that are used are not a public health segment, so I would pull myself back to say that I'll comment only on those aspects that have specific public health issues because I believe that it's highly controversial and there are many complex issues to using that type of social public exposure.

Mrs Boyd: Thank you very much. I was really interested in the results of the round table because I think we do come up with some solutions when we all meet together.

One of the realities for young people who have left home is how they're going to manage to keep themselves if they can't get jobs, which is often the case, if they can't get welfare, which is now very much the case. I'm curious whether in the discussions at the round table the whole issue of keeping kids safe by having some financial stability available to them was part of the discussion.

Ms Clement: Yes, it was, and it was raised in a couple of different ways. One was initiatives to help keep youth in school. One was the whole question of safe living and accommodation when it is important for a child to leave home. I think the previous speakers spoke well to how many of the youth in particular who end up engaged in prostitution have come from backgrounds of sexual abuse and need a higher level of safety in their lives, and we don't have enough housing alternatives for youth.

We didn't actually get into issues of guaranteed income or that kind of policy direction, but certainly the question of access to youth for a safe space and a livelihood was there and what are the social support programs. I know employment was talked about in terms of employment initiatives. I don't know how much it got in the final report, but it was certainly part of the discussion.

Mrs Boyd: It strikes me that in the legislation now for those who are under 18 who might be applying for welfare assistance, they need a third party to indicate they can't live at home. Many of the agencies that were involved in the round table would be the obvious kinds of agencies to do that, yet they are all struggling to meet the mandate that they have as a primary mandate. I'm wondering if you can comment on whether it's really possible for those mandates to be stretched at this point in time with their current funding in order to be mindful of that aspect of child protection.

Ms Clement: I think the great dilemma for any government, whether it's the municipal level that I'm at or the provincial level that you're at, is how to deal with allocation of resources when resources are tight, and certainly youth agencies, from what I understand, have been stretched and stretched.

We just did a recent study of young mothers who are street-involved in Toronto, and one of the issues in trying to get better data of how many youth are on the street, and we don't have good estimates of how many youth or children are involved in the prostitution trade in Toronto, one of the things that certainly I learned more than I had

known was the absolute escalation of demand and service contacts that have been provided by our local agencies in the last few years. One of the shelters, for instance, had a 70% increase in client load between 1994 and 1996. The reason I used that agency was that it was not a downtown agency, it was one of our suburban Toronto agencies, and we often think that it's more isolated and it's not.

I don't have an answer. We need more resources, but everything needs more resources. I think staff are already stretched to their limits within their current mandate.

The Chair: For the government, Mr Carroll, and if there's time, Mr Brown.

Mr Jack Carroll (Chatham-Kent): I chaired our provincial task force on homelessness, so obviously we also came up against the same issue and we heard the same type of testimony I've heard today, that child prostitution is occurring more often, it's occurring at younger ages, almost all of the victims come from some sort of sexual abuse in the home by a parent or a caregiver, that they're poorly educated and they don't have any skills.

Children 16 and under are currently protected under the rules of the children's aid societies, and yet we want to pass another law. Is another law, another bill really what we need, or how do we get to the root of the problem, which seems to start with child abuse in the home and then manifests itself at a later point in life with lack of educational skills and training and eventually a life with a lack of self-respect that leads to the street? Is another bill to raise the age to 18 going to help any?

Ms Clement: I never would have guessed that I would come here and say you need another task force or that we need another task force, but I think what is needed is to look at all of the intersecting pieces of legislation, not a new bill that stands alone on the side. The intent of the bill I think is very laudable, and the energy that went into the bill and the goals the bill is trying to achieve are important, but I think what you are getting at is, are there better ways to do that, and I think strengthening existing legislation is generally a more effective means than adding a new bill on to the building block.

1710

Mr Carroll: Just your opinion: Is the right age, because we have talked about that, 16 or 18? Have you got a comment on that?

Ms Clement: No. I think it's phenomenally complex. We deal with it in terms of sexuality education, in terms of our sexually transmitted disease issues, in terms of prevention stuff. The issues are different. When I work with colleagues internationally, if I think about it — my background is stronger with teen pregnancy issues — Britain has really shifted so they are now working with teen pregnancy under 16 and teen pregnancy from 16 to 19 with totally different programs. We haven't started doing that yet but I think it's appropriate. I think your parallel here is that the intervention that's needed for a 15-year-old or under is different from the intervention that's needed for a 17- or 18-year-old.

The Chair: Mr Brown, do you have a short question?

Mr Frank Klees (York-Mackenzie): I doubt it.

Mr Jim Brown: Yes, I doubt it.

The Chair: We'll save it for the next group.

Thank you very much, Ms Clement, for being here and sharing the perspective of the city of Toronto.

JUSTICE FOR CHILDREN AND YOUTH

The Chair: I call upon Justice for Children and Youth, Martha MacKinnon and Lee Mitchell. Thank you both very much for joining us this afternoon to speak on this important topic. We're looking forward to your presentation.

Ms Martha MacKinnon: Thank you very much for allowing us to be here. We had a brief which we have circulated to you. I want to explain why it says "Draft" at the top. Our organization gives final approval to briefs at board meetings as opposed to at executive meetings, and the next board meeting isn't until October. I have approval in principle and our board has reviewed this. There would be no changes to recommendations. I don't want you to think we're soft on these recommendations; it's just that our organizational structure requires us to wait until it would be too late to be useful for you.

The second organizational or institutional point that I wanted to make is something about Justice for Children and Youth. We're a legal clinic. We work with people under the age of 18, and we have worked with them in the area of social assistance, in the area of children's aid and housing and accommodation and in the area of young offender work, so this bill addresses or looks at kids who might have come to us from a variety of perspectives. I hope that some of what we have to say may be useful to you.

I don't know whether to say it's heartwarming or interesting or perhaps it just makes it true how much overlap there is in our conclusions about this bill with what I've heard from some of the speakers before we began, although we have taken, as a legal clinic, a very slightly more legalistic approach to it.

The first thing is — you've heard about the end of services; in fact, Mr Carroll has talked about should it be 16 or 18 — our position is that it should be 18. Our position is also, though, that there shouldn't be duplication. People have mentioned being worried about inconsistencies, and if I were to put that as baldly as possible I would not, and neither would anyone in this room, want someone to say: "I need protection. I'd better engage in prostitution because I'm 16 or 17." That would be the most dramatic and extreme of the bad consequences of having two different systems.

In our view it's important that the age be 18, but to avoid all kinds of inconsistencies, some of which we predict in our brief and some of which we've identified and some of which probably no one can identify — we won't know this until we're out there — to subsume this legislation in the Child and Family Services Act and to ensure then that all of the procedural things that happen, everything that we now can't guess, will just happen because it's part of existing legislation that has an existing suppor-

tive framework, that has existing people who do jobs like identifying places of safety.

People have indicated that there may be a resource problem. We certainly indicate that in our experience children's aid societies have a great deal of difficulty dealing with 15-year-olds now and are often assertive in their reluctance to accept a 15-year-old, sometimes even a 14-year-old. They need more resources if they are to help 16- and 17-year-olds. However difficult that may be to provide or even to say, it simply is necessary. You can't help or protect kids without providing the resources and the supports.

If I can step back and look at part of the reason that we come to that conclusion, it is that this legislation states a laudable goal. It states that it's about the protection of children. It's really important that it remain on the side of protecting children who seek out our help to get out of a lifestyle that presumably is the only or best option they feel they have, but they need or want out.

It's equally important to avoid, as you've heard earlier, the punishment of children under 18 who may have had no other choices. That's important for a couple of reasons. One is that it's unconstitutional. People have been trying to regulate prostitution provincially in numerous ways. It's never worked. It's never been legal, it's never been constitutional, however laudable the goal. The second reason for that is that it's ineffective. It simply doesn't work. No matter how much people don't like prostitution, it's still here, and there are enough jokes about "oldest profession" for us all to have to acknowledge that that's the case.

But it is also important that we look at all of the work that has been done and not reinvent the wheel here. The Badgley report about 13 or 14 years ago addressed these issues; the Fraser report nationally about three or four years ago; again, a multi-disciplinary, well-skilled committee in the Toronto area, the Interagency Committee on Homeless and Runaway Youth, looked at the issue; and most recently of all, this government's panel of experts on the protection of children prepared a report called Protecting Vulnerable Children.

Again and again we have looked at the issue and it isn't effective to treat it as a punishment issue. Both constitutionally and because I believe you want to do what you say you want to do, which is to protect children, it's important that we classify the legislation, like the Child and Family Services Act, as protective legislation.

Mr Carroll has also addressed the fact that the reasons young people get into prostitution are complex: self-esteem, lack of education, poor home. The reasons are complex and it is important that the help be provided for them. The interagency committee has looked at several of the supports that need to be in place. They've also designed a protocol for how to contact youth and how to reach out and find those who need our help.

One of the incidental things that happens in the current bill is that because apprehension is by a police officer as opposed to by a child protection worker, the police make the initial call. You've already heard about how bad it would be for a police officer to send a child home to the

very place they needed to escape from. But, systemically, information about whether that home is a bad place for a kid to be sent back to doesn't reside with the police; it resides with children's aid societies. So the history of determination of where is a safe place for a kid isn't best made by a police officer.

I think the most important thing, as you look at all of the small things — and we've made several suggestions about amendments but all of them relate to putting this concept into the Child and Family Services Act — they also indicate the necessity of reacting to the fact that children age, they mature, they have different needs. In fact, you've just heard that in Britain it's considered wise to treat 15-year-olds differently than you treat 19-year-olds. Part of the reason that CASs have so much difficulty with 15-year-olds is that they also don't fit very well into a group home with 11-year-olds. They have different needs; they're growing up. They've probably come from tough enough places that they have both more independence in some ways, because they've had to, and more complex needs in other ways because of where they've come from.

1720

For that reason, we recommend that the accessing of services for 16- and 17-year-olds be optional and allow them to seek out the help, because that's when it will become effective. If they need protection from a pimp, then heaven knows we should be giving it to them. If they need and want to get off the street and have no other choices because they have no food, they have no place to stay and they're afraid, then if we don't help them, it's hard to know who we would consider to be a higher priority. On the other hand, if they're not ready for our help and all we do is punish them, it will not only be ineffective but, as you've heard, will cause them more harm.

Much of what I would have said has already been said, so I'd welcome questions and ask Lee if he has anything to add.

Mr Lee Mitchell: The only thing I would have to add is on the aspect of assistance versus punishment. We do have an example of the necessity for kids to be participating in the help that they receive voluntarily, to want that help; otherwise the help is ineffective. That is the children's aid services that we have now. Children's aid services are not prisons, children's aid workers are not police officers, and they are not structured in such a way as to lock up kids and hold them there. There are many children who benefit from children's aid societies because they voluntarily participate in receiving that benefit. Those kids who don't want that benefit can't effectively be made to take it unless we simply lock them up, and then you are getting into the jurisdictional problem of effectively passing criminal legislation.

There are those kids who the children's aid societies attempt to help who simply refuse to have that help and who run away and run away over and over again. I say that not because I want to despair of what children's aid societies can do, because I don't; I think they do a lot of good. I say it simply because it helps to indicate that it is

an historical example that we have to refer to, to remind ourselves that in fact this kind of help isn't going to work unless it is voluntarily participated in by the helpee; unless, as I say, you're going so far as to lock people up, in which case you have that jurisdictional problem.

That's about all I have to add. We'd be happy to answer questions, certainly.

The Chair: Thank you. We have just under three minutes per caucus. We'll begin with Mrs Boyd for the New Democratic Party.

Mrs Boyd: I agree with you that it should be a comprehensive look at child protection and that it is long overdue. I certainly believe we should have had that comprehensive look at about the 10-year period of the Child and Family Services Act and that many of the issues you have raised could have been raised in that context. I think that kind of comprehensive look would be more appropriate.

What we've got here, though, is a private member's bill. Part of the answer to the question that one of the previous presenters asked — why doesn't it say "must" provide programs? — is that a private member can't require a government to spend money, and the government has seen fit not to adopt this as a government bill. So it's kind of a conundrum, but it is a good occasion on which to deal with some of these issues.

I would agree with you in terms of the age issue, but also agree with your real down-to-earth assessment of the need to make the programs effective so that people want to participate as opposed to not participating.

When you look at the bill that we actually have in front of us, where do you see the pitfalls being? You've identified some of them, but the real pitfalls in terms of making this something that would be looked on as a helpful thing to kids.

Ms MacKinnon: Actually, we identify many of them in our brief. Apprehension by police is one. Identification of the place of safety by the minister as opposed to by the director is another. It's a genuine concern that the safe haven could be a jail. The bottom line —

Mrs Boyd: Which it was at places like Grandview and St John's.

Ms MacKinnon: That's right. In my opinion, that would not only be unconstitutional but would be opposed to the stated purpose of the bill, which is protection rather than punishment.

In addition, the bill does not distinguish between people under 16 and people under 18 and doesn't acknowledge that 16-year-olds are legally not only able to leave home but there are a lot of parents who think that means they're legally able to throw them out. It creates no understanding that 16- and 17-year-olds do have different and separate legal rights from those under 16. As I indicated, police officers have the ability to return them home. That's often the very wrong answer.

It also indicates that the young people can be held for three days and then indefinitely until the end of a hearing. The child and family services legislation requires that a kid at least get before a judge within five days. This bill

could amount to indefinite detention. I don't think that's constitutional either.

That's an example of some of the things that I put into the basket of the procedures that you get if you enfold in another bill.

The Chair: Thank you. I want to give Mr Brown a chance for the government to pose a question.

Mr Jim Brown: I have a little bit of a problem defining what the real problem is. I know there is childhood prostitution out there. I've talked to many people in the policing community. I've talked at length with Cherry Kingsley. I don't know if you know Cherry Kingsley, a former childhood prostitute, who is a bright young person. She has suggested to me that, notwithstanding welfare or whatever, oftentimes what happens is that kids leave home for whatever reason, sometimes abuse. A lot of times they can't accept the discipline. A lot of times they go to the big city, end up at the bus station, and these guys called pimps pick them up and befriend them. They don't even get a chance to go to the welfare office to collect a cheque. They're befriended and before you know it they've got drugs and they're in the business. Again, it's these bad guys.

Then they're abused by johns. These are adults. So you have adults, you have pimps and you have johns, taking advantage of kids.

What bothers me is, in this legislation, we're looking at taking kids away. I don't know what's the safest time that we have to lock the kids up. But I just would like your comments on: What happens to the adults? What do we do to the adults?

There are some proposals and there are some jurisdictions in Canada that have seized the cars of the johns. There is of course civil remedy and going after the assets of pimps. Usually the pimps are drug dealers, and civil enforcement is well within our constitutional domain. We've got to attack this problem. What do you think about going after the adults who are abusing these kids and hitting them in the pocketbook? That's why they're in the business, to make money.

Ms MacKinnon: I didn't prepare on the adult aspect because that's not really what the bill focuses on. But the Criminal Code already makes it an offence for an adult to be living off the avails of a prostitute generally, makes it illegal for an adult to be sexually exploiting a child. It is already clearly illegal for those adults. It's illegal for a john to have sex with an under-age — the legislation provides for age gaps. There would be the odd 19-year-old for whom it wouldn't be a specific criminal offence if the prostitute were 17, where the age gap is very small. But generally speaking, it is already criminally illegal for the adult.

My concern would be criminalizing it for the child. But you can't help the child without helping the child. Taking away a car from a pimp just means the kid has to work harder. You have to provide education, training programs, money, a place to live.

Mr Jim Brown: That's like saying that taking away a car from a drunk means they have to drink more.

Ms MacKinnon: No, no, not the drunk has to drink more. It's not the pimp who's doing the work. It's easy for the pimp to say, "I need more girls."

1730

I agree with you. My niece, who is not wildly sexually active or sophisticated, every time she comes to visit me by bus from Ottawa is approached at the bus station. There's no question it happens, you're right, and it's adults who, generally speaking, find vulnerable kids. No question. But if those vulnerable kids don't have a place to go — if I could take you back to the provincial panel of experts on the protection of children and the Protecting Vulnerable Children report, it indicates that the age should be 18. It also indicates that there is a serious problem if you then cut them loose at 16 or 18. It talks about the necessity for ongoing support.

Mr Dwight Duncan (Windsor-Walkerville): I have no questions. I just wanted to note that my colleague Mr Bartolucci would be here except he's speaking in the House right now on another bill that has to do with children.

Mr Mitchell: He mentioned that on the way out.

The Chair: Thank you both very much for being here and sharing your views with the committee. We appreciate it.

TORONTO CHILD ABUSE CENTRE

The Chair: I ask the Toronto Child Abuse Centre representative to come forward: Sue Hunter, executive director. Welcome, Ms Hunter. We're very pleased to have you here. As you may have heard, you have 20 minutes for your presentation. If there is any time available at the end, we'll ask you a few questions.

Ms Sue Hunter: I don't actually imagine that I'll take 20 minutes, but before I start I do want to say briefly that I've only been here for a little while and you've been here for a longer time. Whatever I say that's repetitive, I'm really sorry. But there are a couple of really important points.

Interjection.

Ms Hunter: That's right. I anticipate that you'll just keep listening.

It's a real opportunity for us to speak to you today. You may be wondering, in the same way that many people in our community wondered when they said, "Sue, what does what we do have to do with child prostitution?" I just really quickly wanted to tell you what the Toronto Child Abuse Centre does and why we thought it was important to be here.

We're a community-based agency that's committed to the promotion of violence-free environments for children. Any child who is engaged in child prostitution is no longer in a violence-free environment. Our job is to coordinate efforts to improve prevention, detection, reporting, investigation and treatment of children who have been exposed to abusive situations.

We're a multi-service organization. We're located in downtown Toronto but we serve kids from across the GTA and have three primary functions.

One is system coordination and policy and protocol development. It was the Toronto Child Abuse Centre, which used to be called the Metropolitan Toronto Special Committee on Child Abuse — so you can appreciate why we changed our name — which developed the child sexual abuse protocol which in fact talks about and describes how the system is to respond to disclosed cases of child sexual abuse.

On an ongoing basis, we work with the players — the police, the child welfare and the education system — to make sure we're continuing to respond in a way that provides the least additional trauma possible for the child while maximizing our opportunity for actually getting cases to court and, when we're really lucky — these days it seems like luck — we actually get some convictions.

We also have a huge prevention education and public education and training program that's really important in the context of this legislation. The "Making a Difference" program is a 16-hour training program for anyone who is engaged in working with children: camp staff, teachers, child care staff, any program where people have direct interface with kids. We're just in the process actually — my Maple Leaf Gardens tag is because today we introduced our "I'm a Great Kid" prevention video at Maple Leaf Gardens, which is about providing skills for kids so that they are less vulnerable to abusive situations.

Just so that we keep our feet firmly on the ground, we also provide direct services. We have crisis support group programs which are trauma assessment and support for children and their allied parents who have recently disclosed sexual abuse. Those programs currently are for children five through 16. The child victim/witness support program provides court preparation in many instances for children who have been sexually abused, for kids who are going to testify in court either because they've been victims or because they've witnessed a crime. Over the past 12 months we've trained more than 5,000 people and worked directly with more than 750 children and families.

That's the perspective I'm here from today. We would agree with all of you that child prostitution is a critical issues that requires some attention. We have to start paying attention to this issue. Children's safety and well-being should be of paramount concern to all Ontario residents. If it's a concern to the residents, then it needs to be a concern to the government.

The piece that's problematic about this legislation — I have to tell you that when I first read it, I went: "Oh, great. It recognizes that abuse is a major cause of kids being on the street." I was so struck by the positive nature of it. Then I kept reading and I went, "Wait a minute." I want to talk to you about that "Wait a minute" kind of response.

We know that most but not all children who are working as prostitutes are the victims of child abuse, not even, necessarily, exclusively child sexual abuse but maybe physical, emotional or neglect. Children who find them-

selves on the street are statistically likely to be running from environments they found intolerable. Not all of them, and you'll certainly find someone who will stand up and say, "My kid just didn't want to live at home." But most of these are children who are coming from home environments they just could no longer cope with.

The other thing it is really important to recognize is that it's incredibly difficult for a child to make the decision to leave home and move to the streets, because most of these are kids with limited means of support, which you were talking about earlier. They tend not to be well educated. They're 15 and 16 and 17; they haven't had an opportunity to be well educated yet. For many of them, prostitution is the only means of supporting themselves. For those of us who are parents, prostitution, especially child prostitution, is not the way we imagine our children making their living, nor for most of us do we imagine them living on the streets. I don't think there's anyone who would say this is an OK lifestyle choice for a child, but we have to be really clear that in most instances it's not a lifestyle choice; it's something they have been compelled to move towards.

We don't support Bill 18 and I want to tell you why. The Child and Family Services Act is the current legislation that outlines the responsibilities our society has to children. It's good legislation. It's not perfect legislation, but it is good legislation. It is effective. It contains the pieces that are needed to ensure that children are protected. It's pretty sweeping in its scope and it addresses all of the issues that Bill 18 addresses, with the exception of the 16- and 17-year-olds. That's the biggest difference. Anything else that's covered in there from a child protection perspective can be covered through the Child and Family Services Act.

What this does is raise questions for us about what the actual intent of this legislation is. I'd like to give you three examples.

A 17-year-old youth lives at home and is being sexually abused by his or her father. This child currently does not fall under the purview of the CFSA. Our society doesn't consider that child, and I consider a 17-year-old a child, in need of protection. Unless he or she can gather the resources to call the police herself or himself, which is, as you can imagine, a tremendously difficult thing to do, and then the police will lay charges, that child is there. The only exception would be, if there were children under 16 in the home, there's the potential you would then have child welfare intervention because of the possibility that those children may be abused as well.

Another scenario, same child: The child can't tolerate the abuse, leaves home and does not turn to prostitution but is hungry and unable to secure a place to live. Neither Bill 18 nor the current CFSA will have anything to do with that child. Unless she commits a crime, under our current pool of legislation we're not prepared to say as a society that she deserves protection and support, so that child can be homeless and potentially starving and we don't have any infrastructure that intervenes. Bill 18 won't address that either.

The same child leaves home, can't stand the home environment any more, is tired of being hungry and homeless, can't find a job and becomes a prostitute and starts turning tricks. Only then will Bill 18 intervene. That raises questions around, is this truly about child protection or is this about addressing an issue that all of us struggle with, which is prostitution? We're not sure we like that, we don't want prostitutes working on the street, there are issues around people's perceived feelings of safety etc, so when that child turns to prostitution, then we'll say she needs some support.

1740

The connection between child abuse and prostitution reminds us — this bill has this in there, and if it could just have gone that step further to make that the primary focus — that the real issue here is prevention. We know there are strategies and programs that support children in a way that makes them much less vulnerable to abuse. While no child is ever responsible for being abused, and I want to be really clear about that, we know that research demonstrates that kids who have strong communication skills, who respect themselves and who respect others, who are able to make developmentally appropriate decisions and have high self-esteem are significantly less likely to be abused. It doesn't mean those kinds of kids are never abused, it's just there's sort of a relative pool. Primary prevention is about helping kids develop those skills and characteristics.

Given this knowledge, Bill 18 presents more of a dilemma because it talks briefly about the cause of child prostitution being abuse, but it doesn't talk about prevention and it doesn't talk about early intervention. It's a little bit like the proverbial expression, "Closing the barn door after the horses have escaped," or however that expression goes. Not only is the legislation redundant, because except for the ages of 16 and 17 it addresses the same things as CFSA, but it is also only targeted at one particular group of children who I think all of us would agree are still in need of support and protection. All kids who are living on the street have potential need of support and protection. We need to recognize that and not just pick out one pool of children who happen to be engaged in an activity that this society really frowns on at any age.

We have some specific recommendations, believing, as do all of you, that child prostitution is not the support system we envision for our children: that is, that the recommendations of the expert panel, which are all in this book and I'm sure you've all seen it, be adopted and adopted quickly, particularly the one that recommends that the definition of "child" in part III of the act should include children aged 16 and 17; that the child welfare system be provided with sufficient resources — I appreciate the issue about it being a private member's bill, but I think this is an opportunity to raise these kinds of issues — to actually provide families, children and youth with the support and protection they require; and last but certainly not least, to commit resources to child abuse prevention programs, positive parenting programs, and to early intervention for children and families before they're

in crisis, recognizing that child prostitution is a consequence of a lack of social and societal supports early in the lives of children and families. Healthy, hopeful children and their families are the cornerstone of our community.

I want to thank you for the opportunity to come and for your patience in listening to some things that are redundant. It's an incredible opportunity with the review of the Child and Family Services Act and with the public discussions that are happening around this legislation to actually, finally make a difference in the lives of children and families. I want to urge you to do that by starting at the very beginning and putting the programs in place before we have to address the issue that we have 17-year-olds turning tricks on the street.

The Chair: There's approximately two minutes per caucus. We begin with the government.

Mr Carroll: It's nice to see you again, Sue. The issue, as you describe it, the complexity of it: There seems to be more and more money being spent in children's aid societies with probably less and less result, with more and more kids coming into care and we have more child prostitution, yet you talk about the CFSA being a good piece of legislation, not perfect but a good piece that is far-ranging and covers many issues except for 16- and 17-year-olds. Obviously we're not doing everything just exactly the way we should be doing it to protect these vulnerable kids. You talk about early prevention. There's really no question that that's important. Do you see any role, in this whole early prevention, this training, this whole bit about improving those kids who are at risk, for our education system to play in that?

Ms Hunter: Absolutely.

Mr Carroll: We have a huge system out there that has these kids for four, five, six hours every day. Is there a role they could be playing to help us in this area, do you think?

Ms Hunter: Absolutely. One of the things that might be of interest to you is that our primary prevention program will be delivered in all the schools in the former Metropolitan Toronto. I don't just want to say Toronto because then people forget the other pieces. The piece that I cannot resist this opportunity to tell you is that of all the programs we offer, that's the only program we have no funding for.

Mr Carroll: The only program there's no funding for?

Ms Hunter: That we have no funding for, our primary prevention program. There have been a lot of words over the last couple of years about the importance of early intervention and primary prevention, but because there's this phenomenal demand on the treatment side or the intervention side, no one has recognized that it's more effective — or no one has been willing to put their money where their mouth is — let me rephrase that — to put what is relatively speaking very minimal amounts of money into those early prevention programs.

As you are well aware, and it's tempting to watching this debate at the same time, the education system is more and more strapped all the time. We are now working on a

strategy with the social work and teaching staff of the Toronto board and the Toronto Catholic board around how to find the resources in their program to get these videos and manuals and handbooks in, because the program is specifically designed to be integrated with the brand new curriculum. It's designed to work and really minimal resources would guarantee that it would work, and that's the problem.

Mr Bartolucci: Sue, thank you very much for your presentation. Although you disagree with just about everything in the bill, I always appreciate dissenting opinions because I think we all learn something from them. Clearly, though, in your brief you say: "This difference raises immediate questions about the intent of this legislation. Consider the following example." You cite three scenarios, all horrific; there is absolutely no question about that. None of them was ever intended to be dealt with under this legislation. This legislation, as you know, is specific to those children involved in prostitution. That's not to say these other scenarios aren't important, but there are dealt with in the Child and Family Services Act.

I agree with you that it should be raised to 18, that the age should be raised to include 16- and 17-year-olds, I should say. As you know, my bill would override the Child and Family Services Act, if in fact both were at 18, when it came to children involved in prostitution. It may be because of my background that I didn't make that educational component of the bill or the support program component of the bill more definite and more definitive. I think that's a weakness we can address in clause-by-clause.

My question to you is, when we go to clause-by-clause, because I respect the great work that you do, what types of programs would you suggest become a component of this particular piece of legislation, or in fact, if this were to become an amendment to the Child and Family Services Act or whatever, to ensure that we deal with education specifically about prostitution, sexual exploitation and abuse through prostitution? I guess I'm grappling with that right now.

Ms Hunter: I want to tell you how much I appreciate (a) the grappling and (b) the recognition that something has to be done about child prostitution. Our point is that, by changing the age in the Child and Family Services Act, it has the component, because a child who is 17 who is engaged in prostitution would be deemed as a child who is in need of protection. That's the issue with the bill, not that child prostitutes don't need support and protection. There is an avenue already that would address it.

In terms of programs, I'll speak from the perspective of our agency. We think the place to start is with little kids and young families. There is a range of programs. The Children's Aid Society of Metropolitan Toronto runs an excellent program in Scarborough, for example, of kids who have made the transition to being prostitutes and are attempting to make the transition back out of that life. We believe that the critical place to intervene is much earlier, in senior kindergarten, grade 1, grade 2 and grade 3, and the important piece of that is to have programs that

address children's feelings of confidence and power and ability and capability, and to provide programs for their parents that support that kind of response for their children.

Mrs Boyd: Thank you very much for your presentation. You're very persuasive and I hope the members of the committee will be persuaded that there is something we can do and that we should be doing it through CFSA, because I certainly agree that would be a much more acceptable way to do it.

1750

I'm interested in your comments about prevention. I was speaking at the International Congress on Child Abuse and Neglect in Malaysia a few years ago, and every single country talked about the fact that there's no money going into the preventive end. Somehow we have our resource management backwards, because without doing the prevention we simply pile up more and more money on dealing with the crises at the other end. At that congress, one of the things that was noted was the continuing extreme resistance to education around child abuse within the family that exists and is certainly alive and well in Canada as well. I wonder what mechanism you would suggest for easing the concerns of those who see this kind of preventive education as being an interference with the family.

Ms Hunter: I hardly have any time and the context is this big. One of the things that I think it is really important to recognize, particularly when we are talking about child sexual abuse, is that this is a society that won't talk about good sex, so we have a really hard time, particularly in the context of our children, in talking about sex that is completely unacceptable and inappropriate. I think the challenge becomes, and this is what primary prevention is about, taking it out of the abuse framework specifically and helping kids and families to address some of the issues in children's presentation and development that in fact make them less vulnerable. It's not about abuse. A child who can communicate really well not only is less likely to abuse but will do better in school. So these are things that all families can buy into.

We're only scratching the surface of the issue around primary prevention. There are a fair number of what we call secondary prevention programs, which are primarily disclosure programs. What do you do, once it's happened, to support the children? Those are very important. Families have a much easier time addressing issues around primary prevention because it's not sold — I use the word deliberately — in the specific context of preventing child abuse, and that's easier for people to accommodate.

The Chair: Thank you, Ms Hunter, for a fascinating presentation. I regret that we don't have more time to talk with you, but we do thank you for coming.

JOHN HOWARD SOCIETY OF ONTARIO

The Chair: Could I ask the John Howard Society to come forward: Bill Sparks. Welcome. We're very pleased to have you here.

Mr Bill Sparks: As the executive director of the John Howard Society of Ontario, I am pleased to appear before the committee today to present the views of the society on the proposals dealing with child prostitution detailed in Bill 18.

Before I begin, let me familiarize you with the work of the John Howard Society across the province. The John Howard Society is active in 17 communities in Ontario, providing service to adults and youth who are in conflict with the law and those who are at risk of becoming involved with the criminal justice system.

The programs and services targeted at youth include educational activities in the schools, youth employment services, substance abuse programs, literacy and life skills programs, assistance with housing, alternative measures, community service order programs, as well as individual and group counselling. We recognize the importance of our province's young people and the value of providing assistance to the vulnerable and troubled members of our population. As well as our involvement in direct service, the society has prepared community education materials, position papers and briefs related to the issues of youth crime and young offenders. We recognize the importance of public education on youth-related criminal justice issues since public support for programs designed to prevent crime or reduce recidivism is crucial to their success.

The John Howard Society supports the intent of Bill 18 and its author. While we have had ongoing debates about treating the matter of adults engaging in prostitution as criminal, there is virtually no disagreement about the matter of child prostitution. We agree with the 1985 report of the Special Committee on Pornography and Prostitution, the Fraser committee, which described the use of children in commercial sexual activities to cause serious harm. The imbalance of power and resources, as well as the lasting interference with the child's personal integrity, both mental and physical, make the practice of child prostitution onerous. We also agree with the Fraser committee's stated beliefs that it is in society's interest to shield children and youth from potentially harmful influences and behaviours to allow for a healthy maturation process.

These views are reflected in the first four sections of the preamble to Bill 18 which state:

(a) the safety, security and well-being of children and families is a paramount concern for all residents of Ontario;

(b) children involved in prostitution are victims of child abuse and require protection;

(c) it is the responsibility of families and communities to provide that protection;

(d) it is the duty of the province to assist families and communities to provide that protection.

While we support the intent underlying Bill 18, to mobilize communities and governments in actions to end child prostitution, we cannot support the bill itself as stand-alone legislation. In our submission today, the John Howard Society is proposing that the committee recommend the rejection of Bill 18 not only because it is unnecessary legislation but also because it continues to support

the notion that social problems can be legislated away. We will also address our concerns related to measures proposed which would add to the use of detention of children and youth in Ontario.

We believe that section (e) of the preamble, which states that "legislation is required to ensure the safety of all children and to assist children in ending their involvement with prostitution," represents the primary reason for recommending the rejection of the bill. Legislation already exists which enables the citizens of Ontario to protect victims of child abuse, including those involved in child prostitution and, therefore, makes additional legislation unnecessary. Ontario's child welfare legislation, the Child and Family Services Act, certainly provides the authority to intervene in all situations of child abuse and neglect, including child prostitution, for any child up to the age of 16. It is difficult to understand why another law is needed, although we certainly recognize the intent of this legislation. Furthermore, we question the wisdom of singling out one form of child abuse or neglect for special legislative attention. We need to protect our children from all forms of abuse and neglect, regardless of how it is inflicted on the child.

If the one objective of this bill is to extend child welfare protection to those aged 16 and 17, an initiative that would be wholeheartedly supported by the John Howard Society, then the Child and Family Services Act could be amended to increase the age limit. The society has consistently argued that the age of majority should be set at age 18, as defined in the United Nations Convention on the Rights of the Child, and that persons below that age should be persons afforded special protections.

The John Howard Society believes that the reliance on legislation to solve social problems is misguided. While the role of law must be recognized, it should also be understood that the law is a "blunt social instrument" and that its contribution to the creation and maintenance of healthy communities is limited. More does not mean better, particularly if our reliance on legislation focuses attention away from other more effective ways of creating healthy communities and from the need for governments to provide the necessary resources to accomplish such an important task. Furthermore, passing unnecessary legislation can only serve to reinforce the notion that social problems can be solved by passing more laws.

The society acknowledges the frustration of continuing to be confronted with children who are abused and neglected, particularly children involved in prostitution. A faith in simple, quick solutions is seductive but the problems that these children face are multi-faceted and do not lend themselves to easy answers. We need to deal with the problems underlying the involvement in child prostitution, such as the emotional effects of abuse and neglect and substance abuse. We need to reach those young people through programs and services which are relevant to their individual circumstances and needs and which provide credible and attainable alternatives to their current lifestyle. All of this requires a child welfare system that is provided with the resources to do its job, a public recogni-

tion of the importance of the investment and a lot of hard work with the children affected.

We are particularly concerned about the implications of section 10 of Bill 18 which states that "the minister may establish programs that in the opinion of the minister are necessary to assist children in ending their involvement in prostitution." Using "may" instead of "shall" implies that services and programs are discretionary and further that resources are not really necessary. We support the intent of this act, that in fact the resources are necessary.

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At a more fundamental level, what is needed is more attention to preventive measures so that activities are not simply focused on removing children from abusive, neglectful or exploitative situations. Families need to be supported with opportunities for employment, an income beyond the poverty level and decent housing. Enriched family support and early childhood intervention must be available to disadvantaged children and their families.

It is instructive to look at the 25-year evaluation of the Perry Preschool Project. Involvement in this early intervention program with children at the age of three led to adults who, at the age of 28, were more likely to have completed high school and to be employed. Graduates of the program were also less likely to be arrested repeatedly or to be on welfare than members of a similar group who were not involved in that program as children. The related cost-benefit analysis estimated a savings of \$7 for every \$1. spent on the program, and the John Howard Society endorses such an approach.

The John Howard Society is also concerned that the measures proposed in this bill, the goal of which is to protect children who are involved in child prostitution, will have unintended consequences. This legislation might result, not in providing much-needed support for abused children and their families in the community but in building another mechanism to hold children and youth in facilities of detention. A "protective safe house" could become, in reality, nothing more than a detention facility. Already, Ontario relies too heavily on the use of detention facilities to deal with the problems of its children.

The proposed legislation would enable a police officer, with or without authority from a judge and a warrant, to enter a dwelling, using force if necessary, if he or she believes there is a child engaged or attempting to engage in prostitution. The police would have the power to search the dwelling and apprehend the child. It would then be up to the police officer to decide if the child should be released, returned to the parents or guardian or brought to a "protective safe house." On what criteria police officers, who are not routinely involved in child welfare matters, would base such a decision is not clear, but it does not stretch credulity to imagine that, in many cases, the officer would choose the cautious route and detain the child. The society believes that such matters are best left to the discretion of child welfare professionals who are skilled and trained appropriately to assess the situation and to the processes as defined in existing child welfare legislation.

The John Howard Society has consistently expressed concerns about the effects of detention on all persons, especially youth, and about the overuse of custody in Ontario's system of youth corrections. We've had an excellent and eloquent example in Velma Demerson's submission to you today. Detention is disruptive in terms of its effect on work, education, family life and other prosocial influences. In some cases, it has proven harmful to the mental and physical well-being of the child, the very matters Bill 18 is designed to protect.

Ontario has not demonstrated restraint in the use of measures of detention in the youth justice system. The rate of youths held in custody facilities in Ontario is 238 per 100,000 persons aged 12 to 17. That's a higher rate than the national average of 209 per 100,000. Ontario in fact incarcerates more youth per 100,000 than it does adults. Research has shown that community-based treatment services yield more positive results in reducing reoffending than treatment services within a correctional facility. Therefore, the society has consistently urged for limits to the use of detention in the criminal justice system. While this legislation, Bill 18, does not relate to criminal law, it would still have the effect of expanding the use of detention of youth for correctional, taken in its broadest definition, purposes.

It is important to recognize that a protective safe house is a form of detention. Unlike forms of detention under a criminal sanction, the period of the child's detention in Bill 18 has no specified limits. For many children, alternatives to the protective safe house are not available immediately or may not exist. It is how they became involved in the destructive world of child prostitution. The child welfare official will have little choice but to utilize the provision permitting continued confinement beyond the three-day period. The youth could continue to languish in detention until the determination of the application under the Child and Family Services Act. While it might seem preferable to life on the street, the John Howard Society does not believe that stripping abused children of their rights will benefit them in the short term or in the long term. Indeed, children and youth detained against their will in this manner, even if for their own protection, could become more embittered and alienated.

The John Howard Society believes that the power to take away an individual's freedom should only be used as a last resort and that taking away that freedom for the protection of that individual is a questionable practice that, in a free and democratic society, should be subject to the highest scrutiny and safeguards.

Finally, we disagree with section 13 of the bill, which proposes to define offences and impose sanctions already available under the Criminal Code. Obtaining or attempting to obtain the sexual services of a person under the age of 18 is an offence under section 212 of the Criminal Code subject to up to five years' imprisonment. Similarly, living on the avails of the prostitution of a person under 18 is subject to up to 14 years' imprisonment. Section 129 of the Criminal Code defines obstruction of a police officer or a child welfare official as an offence subject to a term

of imprisonment of up to two years. It is our view that these sections of the Criminal Code already cover the offences that section 13 addresses, making further legislation unnecessary.

In summary, the John Howard Society believes that Ontario's abused children do not suffer from lack of legislation but from lack of resources. We urge the committee to recommend that Bill 18 be rejected because legislation adequate to deal with the issue already exists; the measures proposed within the bill are unduly intrusive; and the proposed measures are punitive rather than protective.

We also urge the committee to put the focus back where it belongs by stressing the government's responsibility to ensure that the child welfare system has the resources to meet the needs of all abused and neglected children and to undertake activities aimed at prevention, as we have heard previously from the Yonge Street Mission and the Toronto Child Abuse Centre.

Finally, we would be encouraged if the committee would recommend that the Minister of Community and Social Services consider expanding the definition of "child" under the Child and Family Services Act to include those under the age of 18. We've heard mention of the age of 18 from Chief Fantino, from the Yonge Street Mission, from Justice for Children and Youth and from the Toronto Child Abuse Centre previously.

The Chair: Thank you, Mr Sparks. We have about a minute and a half per caucus. We begin with Mr Bartolucci of the Liberals.

Mr Bartolucci: Thank you very much for your presentation and for your views. I'd like to quote from the executive director of the Sudbury chapter of the John Howard Society.

He says: "...contrary to public opinion, an ostrich does not bury its head in the sand when confronted with a problem. An ostrich actually uses its feet and agility to run away. Bill 18 stops the running and we can stop behaving like ostriches. It is time we faced this problem head-on and adopted a goal of total eradication of child prostitution. Bill 18 may not eradicate all child prostitution, but its passage will ensure that we deal with the problem. Then, at least we can start reaching the goal of eliminating child prostitution."

What I want from you, I guess, is the reason for interpretation. You've taken just about everything from the bill and stretched it as far — I don't want to be far-fetched because that's not your intent and I don't want to insult you because that's not the intent here either. But why have you taken the worst-case scenario as opposed to dwelling on how this adds to or improves the adequacy of the Child and Family Services Act, because that has been totally ineffective?

Mr Sparks: Certainly we understand the intent of your bill, and it's a good intent. It's been our experience, first of all, that with well-intentioned bills that have tried to perform a balance of providing resources and looking at the protection of children, but also providing a measure where the child can be seen as being protected in their own best interests by use of detention, the use of detention

has become an abusive situation. We've seen the examples prior in the presentations to the community today.

What we would certainly support is amendment to the Child and Family Services Act which would strengthen that to include the suggestions for protection in the bill that you suggest. We would certainly support the intent that the age be raised to 18 and that children under the age of 18 be afforded protection. We certainly understand and support the intent that the resources you're indicating here in the bill — we think in fact the bill is weak in that you suggest the minister "may" — should and must be provided.

We honour the intent of what you want to do here, but we need it to be enshrined in a harmonized Child and Family Services Act, in other pieces of legislation and in the Criminal Code of Canada so that we have a comprehensive application of what you intend here.

1810

Mrs Boyd: Thank you very much for your presentation. I think one of the most important things about having had this bill brought forward is that it is generating the kind of discussion we're having, about how to deal with an issue that we all regard as a problem. I agree with you that there are better ways of dealing with it than this particular manner, but it is really important that we have had a public discussion of a very serious problem.

One of the responses we have heard frequently is for greater punitive measures against johns and pimps. You don't mention that in your presentation. I wondered if you'd like to comment on that because your society certainly deals with a lot of folks who have been convicted of those crimes.

Mr Sparks: There are John Howard societies that are involved in john schools around this. We would certainly support full prosecution under the existing Criminal Code. We certainly support that the court sentences be appropriate. There have been in fact a number of relative successes in programs around john schools.

Mr Jim Brown: I was in Thunder Bay last week with the crime commission and the local John Howard came and gave those same statistics. I had a problem and maybe you could enlighten me later. We have about 1,000 kids incarcerated and we have 2,800 people incarcerated for two years less a day in Ontario. In the federal penitentiary for Ontario we have 5,000. If you multiply that, it comes out to the rates per 100,000. You're way overstating the case, so somebody's got a problem someplace.

While we're on johns and john school, what do you think about the idea — it's the adults who are the bad guys, really — of taking their cars, impounding if not confiscating the cars of the johns, and using civil enforcement to go after the assets of the pimps, who oftentimes are drug dealers and that's how they keep the hold on the youngsters? What do you think about that? That sure ties in with your idea of not incarcerating anybody.

Mr Sparks: I think what we're looking at, though, is full prosecution under the Criminal Code, in criminal law rather than civil law.

Mr Jim Brown: But they don't do much time with the Criminal Code. You've done a very good lobby job; they just don't do very much time. If you take away the money they're making at this terrible trade, you take away the incentive.

Mr Sparks: What I would like to see, of course, is that this is a crime and that it's pursued under criminal law to the full sanction of it. I'm not suggesting that the John Howard Society is in favour here that people who are involved in pimping and johns not be prosecuted under the full extent of the law. We support the Criminal Code. We support that prosecution.

Mr Jim Brown: But you don't think the civil enforcement is worth anything.

The Chair: Thank you very much, Mr Sparks, for being here and for giving us the perspective of your organization. We appreciate it.

REAL WOMEN OF CANADA

The Chair: Could I ask REAL Women of Canada, Gwen Landolt and Lorraine McNamara, to come forward. As you approach, let me welcome you to our committee. We look forward to your presentation. You will have our undivided attention, notwithstanding that you're the last. We want you to know that we very much appreciate your taking the time to be with us.

Mrs Gwen Landolt: My name is Gwen Landolt, I'm the national vice-president, and this is Lorraine McNamara, who's our national secretary. We are a women's organization that supports the equality of women, but we also support the family. In that particular aspect, we have had a long-time concern over teenage prostitution. Over a year ago, we wrote to all the provincial and federal attorney generals expressing our concern about teenage prostitution. We've written op-ed pieces that have been published across Canada, because this is a national problem.

We want to say that we are very grateful to the Ontario government for bringing this bill forward. It's something that we know Alberta has adopted. They had royal assent last spring. We are grateful that Ontario has shown this initiative.

I've been on the board of the children's aid in Toronto for over 10 years and one of the problems we've found is that these children in teenage prostitution were falling through the cracks. That's because the act ended at 16, but also it was such a long, involved process to make them wards to get them protected. That's why we're grateful that this particular act is dealing with legislation that can pick these children off the streets as quickly as possible. That is one of the main problems. It was a long, long meandering process.

One of the problems I used to see at the children's aid is that when we did finally get hold of these children and make them wards, they were lost, irretrievably lost to us. We used to spend hundreds of thousands of dollars trying to get psychologists and psychiatrists but they were so damaged that it was too late. Certainly this legislation may

well pick up and catch them before this dreadful loss to our society of these damaged children.

We would like to suggest, though, that there may be provisions that may strengthen this bill and we would respectfully submit them. One of them is section 6, which says that the child can be released. In clause 6(1)(b) the child could be released into her or his own care if in the vision of the person this was acceptable. But we are concerned that, as the Alberta legislation says, only a child over 16 should be released to their care. We would request that this be included, that no child under 16, no matter what, is really able to look after themselves, especially these damaged children. We would like that one amendment, if possible, to say that if a child is over 16 they could be released to their own care.

One of the problems that may arise with regard to section 13: I know that this is exactly the same legislation Alberta has and it really hasn't been in long enough to know, but one of our concerns is trying to catch the johns or customers in the net. One of the problems is section 13 says that a child may be picked up off the street if she or he is in "need of protection." "Need of protection" is defined in subsection 1(2) as "the child is engaging in prostitution." As the previous speaker said, there are provisions in the Criminal Code, subsection 21(4), that do prohibit the buying of sexual services for a person under 18 years. But what has come to be the practical effect of that is that it's difficult to enforce that under the Criminal Code simply because it's difficult to catch the customer in the act, an individual act, as it were.

1820

Under our quirky prostitution laws, as we all know, it's not the sexual act that is unlawful; it's the soliciting. It's very difficult to prove the soliciting. Also, often the young people are reluctant to testify against a pimp. We have concerns whether section 13 will in fact pick up the customer or the john. It may not be a problem with regard to the pimp, because circumstantial evidence would be much more extensive than it would with one single act of sexual relation. We are concerned about that.

Also we have difficulty that one of the problems is that the 14-year-old, under the Criminal Code, can give his or her consent for sexual relations. Therefore, the young person may simply suggest, "I'm having sexual relations and you can't prove it's an act of prostitution or soliciting." In the best possible world, we'd like to move the age of consent to 18, but of course that's federal jurisdiction.

With regard to the pimps who are exploiting young people, in our brief on page 6 is the one dealing with the customer or the john, and page 7 deals with the pimps. We would like at this time to support Mr Brown's proposition, which I think he has raised in all the previous testimony, that the pimps' cars be confiscated. We totally, absolutely agree with that. In this regard it's noted that Toronto council's committee on emergency and protective services has requested already that the Ontario Highway Traffic Act be amended to enable police to seize and impound vehicles of men charged with trying to pick up prostitutes, and according to information provided to that committee

— this amendment was made in Manitoba — Winnipeg police have been given this power, and they have noticed a 20% drop in prostitution since that provision was made in the Manitoba legislation.

We would also like to add that we believe pimps should be reported by the police to Revenue Canada. That way they will be further curtailed in their attempts to live off the avails of prostitution.

Our other concern is the question that I think the John Howard raised, the question of the children. The factors that draw the youngsters into the commercial sex trade are usually that they are physically, sexually or emotionally abused from an early age and have low self-esteem and addiction difficulties, which makes them very vulnerable to the lures of the pimps and prostitution. Our point is that such children are the tragic victims of their dysfunctional families, and a major factor in curbing child prostitution therefore lies in creating better families. Otherwise the wheel of dysfunction grinds inexorably on. Dysfunctional children grow up to be dysfunctional adults who then give birth to children who also become dysfunctional. This is a cycle of human destruction that must be stopped.

One of our main considerations that we would like to put before this committee is that we urgently request the province of Ontario consider the implementation of the Head Start program, which is a preventive child abuse program that originally was developed in the state of Hawaii and which has now been established in Michigan and also in Moncton, New Brunswick.

This program has an astonishingly high success rate; in fact, Hawaii has found that child abuse was diminished by 99% in that state. The same thing happened in Michigan and the same thing happened in Moncton. This program was brought forward by federal MP Keith Martin in May, and he requested that the federal and provincial governments work to implement the Head Start program.

Significantly, the federal government's National Crime Prevention Council has been very supportive of a national Head Start program. The details of it are attached as appendix A to our brief, where we summarize the program, but briefly, the women who are at risk and whose children will be at risk are picked out initially either during the course of their pregnancy or, very significantly, at the time they enter the hospital to deliver their baby. Every woman is questioned on a formal basis. They have about 12 to 15 risk factors, and if those risk factors are there, the woman is then asked would she like to have help. Interestingly enough, rarely ever does the woman ever say she doesn't want to have help, and it's one-to-one help.

Michigan uses nurses and public health nurses to give this one-to-one basis daily help, which is extremely expensive. Hawaii uses experienced mothers who have raised children, and they are there as a support system. That is why they have had a 99% success rate.

I notice it was stated that of each dollar spent on these Head Start programs, it's estimated that \$6 is saved in later social assistance services. We believe that if we can implement this Head Start program, certainly begin to

look at it, and couple it in tandem with Bill 18, we will have gone an enormous distance in stopping teenage prostitution in this province.

The Chair: Thank you very much for your presentation. We have approximately two and a half minutes per caucus. We'll start with the NDP, Ms Boyd.

Mrs Boyd: I'm interested in knowing whether you agree with many of the previous speakers who have said that they believe protection of children should be raised to the age of 18. You talk about wanting the age of consent raised to the age of 18. Do I take it from that that you also believe the age of protection should be 18?

Mrs Landolt: Yes, that certainly should be done. That's one of the things I found in children's aid. One of the problems is that when they're 16 it's goodbye. That's a horrible thing to happen because everybody knows 16-year-olds are not prepared in many ways.

Mrs Boyd: You feel the investment that we would be making — and that would be a fairly expensive proposition for us — similar to the Head Start program would pay off in the long run?

Mrs Landolt: I can only say that it has in any jurisdiction that's tried it. I'm not pretending that it's not an expensive program. We can cut corners by having women who are experienced mothers rather than professional nurses. Interestingly enough, many of the mothers who have agreed to have this help want other women, not nurses. They're not so intimidated. They feel much more comfortable. Mothers who've had practical experience raising children are not as intimidating and also they're available on 24-hour notice, which nurses often aren't. As people know, the troubles may erupt at 2 in the morning and that's when you want to be able to go to the phone and say this has happened.

But certainly we do need Bill 18. It's crucial we have that to zero in on this terrible, terrible tragedy, but we should have the backup of this Head Start program and look at implementing it. I realize the problem again Moncton has a very small population as opposed to all of Ontario, but at least we could start in a major way to look at this and examine it.

Mr Jim Brown: Thank you. We really agree on certain recommendations. I'd just like to point out that the crime commission looked at the Perry Preschool study and the Hawaii experiment. The province of Ontario has devoted — I think we just upped it to \$50 million on programs called Healthy Babies, Healthy Children, so we're already doing it.

Mrs Landolt: But I think it was \$10 million. You upped it to \$50 million. With respect, thank goodness, you've done that; it's a start but we're not picking up —

Mr Jim Brown: Yes, it's a good start.

Mrs Landolt: Yes. We're not picking up enough of it, but it's wonderful.

Mr Jim Brown: Yes, it is a great step forward.

Mrs Landolt: Yes, that you've acknowledged the importance of that program.

Mr Jim Brown: I'm appalled, as you are, that 14-year-olds can have sex with whomever they want to and that's not a crime.

Mrs Landolt: With a 46- or a 60-year-old man.

Mr Jim Brown: That's the federal government again doing crazy things. Some of the kids who come to Toronto and are on the street are not necessarily involved in abusive relationships. They have a discipline problem at home perhaps. Everybody keeps saying it's always because of an abusive family. I don't know if you can comment on that.

While I have your agreement on seizing johns' cars, what do you think about attacking the assets of the pimps and drug dealers and perhaps taking that money and plowing it back into the whole problem of childhood prostitution?

Mrs Landolt: We'd be delighted if you would do that. Anything to get the money which would get their funds, so it'll discourage them from this sort of endeavour. Absolutely we would agree with that. What was the first question again?

Mr Jim Brown: The other thing, some of the kids come —

Mrs Landolt: Oh, yes.

Mr Jim Brown: I know some parents who try and find out where the kids are and they can't; they're forbidden by law.

The Chair: Could you condense it, please?

Mrs Landolt: We have members who have had that problem with the children, perfectly solid families and for whatever reason the children lack self-esteem. But I think realistically the vast majority are children from troubled backgrounds.

One of the things I used to find in children's aid was that children who are adopted have more difficulty. As to the integration between the adopted child and the natural child, there seems to be some significant difference which we should be examining to say, "Do you have a different approach to raising the adopted child?"

But it's true, there are children who — I have read some of the testimony the committee has heard and some of them have mentioned that they have tried everything and they haven't had the assistance they need, and probably this would help them a great deal.

The Chair: I should say to you, by the way, that Mr Bartolucci is the proponent of the bill. It's not a government bill as you mentioned before.

Mrs Landolt: Yes. I think it's supported by the government.

The Chair: That remains to be seen.

Mrs Landolt: We hope.

Mr Bartolucci: Ultimately and finally, we hope they will support the bill, with some modification certainly.

I want to thank you for a very enlightened presentation with some very excellent recommendations. If there's one thing that I think the committee learned, it's that we're probably going to have to go, in our clause-by-clause,

with the suggestion that we go from the minister "may" provide programs to the minister "must" provide programs. That's clearly the intent of every presenter and it certainly was my intent originally. These things sometimes get lost in legalese language and I think this was an incident of that.

You bring a very interesting perspective because what you're saying is in that these programs there must be programs for parents. That's the first time that recommendation has been made with regard to what type of programming we're talking about, and I thank you for that because that's an excellent suggestion. Could you just expand on what type of programs those programs should be?

Mrs Landolt: I'm a lawyer. I'm not an expert in social services, but I do know that section 10 — I agree with you, it should be "must" and not "may." One thing is, parents don't know how to cope. When their child — these are good, caring parents — goes off, they don't know how to cope. We'd like to see, first of all, programs in the high schools for children so that they will know there is an alternative way to live in a family unit than what many of them may have seen in their own home.

Secondly, we would like to see public forums for parents. A public meeting would be held with parents, the pros and cons of how to deal with children. There should be a special program available for parents of adopted children. I do feel, after my experience in children's aid, that there is a difference in how you raise your child if it's adopted or a natural child.

The third thing is, there should be a counselling service or some program that will deal specifically with the child who is out of control. When I would speak to the children's aid and the social workers, I'd say, "Why is it that we're having so much trouble with these children?" They would say: "Parents can't cope. Parents can't handle it any more. I would say, "How is it that after 2000 years parents have been raising children, suddenly they can't cope?" It may be the lifestyle is hectic, it may be anything, but if there could be a program for a parent who's troubled with a troubled child so the program can deal specifically with it.

Certainly there should be programs for the children who are on the street in prostitution. We've had members, for example, out in Vancouver where the mother could not get the child off the street and nobody would help her. We want someone specifically there to come to that parent's assistance.

The Chair: Thank you both very much on behalf of the committee for appearing here and giving us the benefit of your experience and the perspective of your organization.

For the members of the committee, you may leave your materials here, if you wish. We will be resuming tomorrow at 3:30 and I'm sure that all of your belongings will be safe here until then. We're adjourned.

The committee adjourned at 1834.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chair / Présidente

Ms Annamarie Castrilli (Downsview L)

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Legislative Assembly of Ontario

Second Session, 36th Parliament

Official Report of Debates (Hansard)

Tuesday 29 September 1998

Standing committee on social development

Protection of Children
involved in Prostitution Act, 1998

Assemblée législative de l'Ontario

Deuxième session, 36^e législature

Journal des débats (Hansard)

Mardi 29 septembre 1998

Comité permanent des affaires sociales

Loi de 1998 sur la protection
des enfants qui se livrent
à la prostitution



Chair: Annamarie Castrilli
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Tuesday 29 September 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES SOCIALES

Mardi 29 septembre 1998

*The committee met at 1538 in room 151.*PROTECTION OF CHILDREN
INVOLVED IN PROSTITUTION ACT, 1998LOI DE 1998 SUR LA PROTECTION
DES ENFANTS QUI SE LIVRENT
À LA PROSTITUTION

Consideration of Bill 18, An Act to protect Children involved in Prostitution / Projet de loi 18, Loi visant à protéger les enfants qui se livrent à la prostitution.

COUNCIL OF ELIZABETH FRY
SOCIETIES OF ONTARIO

The Chair (Ms Annamarie Castrilli): Good afternoon and welcome to this session of the standing committee on social development. Today we're considering Bill 18. Our first presenter is the Council of Elizabeth Fry Societies of Ontario, Tamara Bodnaruk-Wide. Thank you very much for being with us. As you take your place, I'll tell you that you have 20 minutes for your presentation. If you don't use all of your time, the committee I'm sure will have some questions for you.

Ms Tamara Bodnaruk-Wide: Members of the standing committee on social development, good afternoon. My name is Tamara Bodnaruk-Wide. I am appearing as a representative of the Council of Elizabeth Fry Societies of Ontario. Elizabeth Fry societies across Canada work for and with women in conflict with the law. We strive to promote the rights of all women: children and adult, victim and offender.

I am here to relay the official resolution passed by the Council of Elizabeth Fry Societies of Ontario with regard to Bill 18 and to enumerate our additional areas of concern surrounding the bill as it is read. It should be noted that all the members of the council passed this resolution, with one abstention by the Elizabeth Fry Society of Sudbury.

The first part of the resolution passed is that the Elizabeth Fry societies of Ontario fully support the allocation of more social service resources to meet the needs of young women involved in prostitution or at risk of being involved in prostitution. In other words, we support the premise of this bill.

We commend the collaborators of Bill 18 for their foresight and initiative in attempting to address the plight of children involved in or at risk of being involved in prostitution. We believe the framers' intentions were good, that is, to do good things for our children in particular and our communities and society in general.

That being said, we move on to the second part of the resolution passed, which is that the Council of Elizabeth Fry Societies of Ontario is opposed to the provisions in Bill 18 that increase the power of police to arrest young women and keep them in custody at a safe house for up to three days without a bail hearing or right to counsel.

The bill uses the word "apprehend," which is the same thing as "arrest"; and "confine," which is the same thing as "custody." When terminology is interchangeable, there are predictable consequences.

If the point of this bill is to protect children involved in or at risk of being involved in prostitution because they are the victims, not the criminals, this bill should not have punitive wording. If this bill does pass as it is written, the terminology used will inevitably bring about a whole host of constitutional questions which need to be very closely scrutinized.

We would also like to point out that the term "safe house" needs to be addressed and clarified. Such a place cannot be endorsed without knowing anything about it. What are safe houses? Who will run them? Will those running them have special training? Will they be altogether different from any facility or place of refuge which is defined under the Child and Family Services Act, or will they be similar or even the same? If they are different, what are the differences? If they are the same, why not simply amend the Child and Family Services Act to include special provisions to aid children involved in, or at risk of being involved in, prostitution?

If they are run by another agency, will they be detention-oriented? If they are designed to confine, then surely they will be no different from open custody facilities or, in other words, jails. What will be done there? How are the three days to be used? Is there a clear mandate for what must take place there? Will assessment, at the very least, be mandated? Can these safe houses be used by other agencies? Will there be community collaboration? Will age appropriateness be taken into consideration?

Further questions we would like to pose are:

What will the outcome be when this law clashes with other laws? For example, if there is a prostitution sweep,

will the young women be charged with communicating for the purposes of prostitution and then be apprehended? If there is a choice between the two, is it at the discretion of the police? Will police officers receive special training, especially those officers in vice units?

Is this bill even necessary? Why not just amend the Child and Family Services Act and the Criminal Code? Is this bill based on the old theories of patens patriae and doli incapax, where guilt by association is grounds for apprehension, as it was under the old Juvenile Delinquents Act?

What are the practical implications, considering the Feeney decision?

Have you considered the way child prostitution is dealt with in California, with their Children of the Night program? That program has a 24-bed shelter which provides refuge, food and skilled counsel for abused teenagers involved in or at risk of being involved in pornography and prostitution as they await placement in a suitable environment. Services include food, clothing, emergency medical care, crisis intervention, academic assessment of English, math and social studies, foster home placement and a 24-hour hotline to help get exploited young girls and boys off the streets. Children are referred to the centre by community agencies and police. It empowers children without criminalizing them.

In sum, we believe Bill 18 brings about more questions than it answers at this point. We are deeply concerned that the way it is worded and read criminalizes those who are victims. We fear that this perception is not ours alone and that it will become that of the police, community agencies and, most importantly, the children themselves.

We are sure that is not the intention of the bill. Yet if it becomes law as it is written, there are serious constitutional questions to be addressed. We fear that something so very positive at the outset may have a very negative outcome.

The Council of Elizabeth Fry Societies of Ontario endorses proactive solutions rather than reactive ones and stresses that the passion, obviously present, to address the problem of children involved in prostitution needs to be tempered with reason and respect for the rights of children.

Therefore, we sincerely hope these concerns will be taken into consideration, that resources are allocated and the practical implementations are considered first and that more thought and planning are undertaken before this bill ever becomes a law. Thank you.

The Chair: Thank you very much for your presentation. We have approximately three minutes per caucus. We begin with the Liberals.

Mr Rick Bartolucci (Sudbury): Thanks very much for your presentation. I respect your opinion, but I certainly have some questions about your presentation and some with regard to letters I've received from the Council of Elizabeth Fry Societies of Ontario supporting it initially: "We wish you success in your efforts towards protecting the children of our community with this much-needed and proactive bill," which was dated May 27th. Of

course you've already said that the Sudbury chapter opted out of voting against it because we're dealing with a real dilemma up in Sudbury.

You bring lots of excellent questions, and I thank you for those questions. They are meaningful questions which at some point in time we'll have to address. You bring very few solutions. You say you would much rather have something proactive than reactive. I dare say the intent of the bill was to be very proactive with legislation that was meaningless at best and I would suggest not very fruitful in the Child and Family Services Act. I'm asking you at this point to give us some positive suggestions about how we can make this bill better, because certainly that is my intent as the author of the bill and I'm sure it's the intent of everyone who sits around this committee, that at the end of the day we want something that addresses the problem.

Could you give us some of the proactive solutions you would suggest with regard to some of the questions? You can pick them; there are lots of questions, so you can pick the questions you'd like.

Ms Bodnaruk-Wide: I suppose that when we refer to proactive rather than reactive, what I personally take that to mean is that rather than wait until these children are at the lowest point, it's providing services before they reach that point, before they need to be apprehended. I referred to the Children of the Night program in California. It's much more like a shelter. It is along the same lines as what we would provide for abused or battered women. We are not criminalizing them when we are giving them a place to come and to seek help if they require it, before somebody makes them go there.

My experience from working primarily with prostitutes, quite often very young prostitutes, is that the reasons for initially entering that particular trade are so preventable. They need a place to stay, so they will trade sex for shelter; they need food, so they trade sex for food; or they may have an addiction. All of these are things we can provide proactive counselling for at the outset, rather than wait until they are so addicted to some kind of drug or rather than wait until they are so emaciated that they can't even make it to a drop-in medical clinic. Give them a place to go beforehand. I guess that's what I was trying to refer to when I said proactive rather than reactive. Rather than wait to the very last possible minute to apprehend these children, give them a place or an option before that has to happen.

Mr Bartolucci: We do want to thank you for the presentation.

The Chair: Mrs Boyd for the NDP.

Mrs Marion Boyd (London Centre): Thank you very much. You certainly ask all the pertinent questions. I think we don't have any answers in the bill, and because it's a private member's bill there is no commitment on the part of the government or no necessity on the part of the government to answer these questions, and they alone can spend the money to do this. It's a bit of a conundrum. I think everybody in this room shares the concern about trying to deal with this problem more effectively than we

have and offering services that are going to be appropriate and acceptable, but it's kind of a bind.

I gather from the repeated references you make to, "Why not amend the Child and Family Services Act?" that you think that's where this protection ought to lie.

1550

Ms Bodnaruk-Wide: I suppose the answer would be, why reinvent the wheel when we have existing legislation that we can certainly amend to reflect the times we live in and which it's my guess — and it's only a personal guess — might be more readily accepted than an entirely new act.

Mrs Boyd: I agree with you. Some of the amendments that may come forward to this act might deal with some of issues you raise, but without actually violating the integrity of the act — there are some things that are integral to the act that an amendment wouldn't resolve, such as the apprehension issue and the confinement issue. That's fairly central to what is here in terms of the action.

Ms Bodnaruk-Wide: There is a section in the Child and Family Services Act that provides for, and I forget the exact terminology they use, special confinement and special situations. If the situation is so extreme that it's deemed that type of situation, that already exists. I just don't know that an extreme position needs to be taken in all cases.

Mrs Boyd: And the age problem is still there.

Ms Bodnaruk-Wide: Age appropriateness, all sorts of things like that.

Mrs Boyd: Thank you.

The Chair: Mr Preston for the Conservatives.

Mr Peter L. Preston (Brant-Haldimand): Thank you very much for your presentation. I fully support your feelings, but there are some things in here that I feel you are a little amiss on. One thing we have missed the point on completely here, or that your letter has, is the young male child who chooses to become a prostitute because he runs away from a facility that's trying to protect him from his whatever. I happen to run one of those and have for 20 years. When we say "protect children involved in prostitution," we immediately think of the young girl who has been abused by her siblings or her parents or somebody and turns to prostitution for protection, and we forget completely about the 14-year-old boy who chooses that route to finance his being on the lam. It happens considerably; it happens. They make copies of your truck keys and drive your truck to Toronto, and if you ever find them again — you find your truck immediately because they don't know where to park it. They live off the avails of prostitution.

To paint some of these kids as poor victims is to fall into the very trap that our federal government has done with the Young Offenders Act. They are victims at some times. Whether they're victims of poverty — and the Child and Family Services Act has provisions to protect children of poverty, children of abuse. There is some reason these kids turn to whatever actions they take, whether it be prostitution or something else. There are

already parts of the Child and Family Services Act that takes care of that.

Who will run these facilities? Well, I already do. You say they will be put away in open custody facilities, which are exactly the same as jails. My open custody facility is on 30 acres, with 28 very expensive horses for the kids to ride. If I was to charge for it, people would pay me \$2,000 a week to send their kids there as a dude ranch. This open custody facility is so far from a jail that sometimes I feel guilty that I am providing it for — I shouldn't say that, but sometimes I do feel guilty that I am providing it for some of the type of children who end up at my place. Luckily, we've had very good luck.

Will there be community collaboration? Absolutely. If anybody opens up a facility like this and doesn't collaborate with the community, they're absolutely insane.

Will assessment at the very least be mandated? Only if the kid decides he or she wants it. Under our present law you cannot do anything for or to —

The Chair: Mr Preston, could I ask you to sum up?

Mr Preston: I would like to know how you're going to get an assessment on a kid who doesn't want it and refuses to participate. You cannot mandate that in legislation and then give the kid the ability to say no. One of many questions, but I've got to finish up somehow.

Ms Bodnaruk-Wide: Could I ask a question in return? If you can't mandate an assessment, how can you mandate that they be kept there for three days? How could you keep them there for three days against their will, if that's not what their wishes are? Just a question with a question.

Mr Preston: They break the law. If they break the law and the law says they are to be apprehended, then they are apprehended. But after they break the law, you cannot force them to do anything for their own good. You cannot.

Ms Bodnaruk-Wide: Sir, the way I read this bill, they don't necessarily have to break any laws before they're apprehended.

Mr Preston: Under this act?

Mr Bartolucci: If they're not breaking any laws.

Ms Bodnaruk-Wide: Just to go back to your original question, my response to your scenario about a 14-year-old who chooses to be involved in prostitution is that I would ask, is that really a choice that a 14-year-old is making? If it is and if it can be demonstrated that that 14-year-old is so mature that they're making those decisions on their own, we have the Criminal Code as backup. In many of the diversion programs that are run we do give people first and second and third chances sometimes, and if they persist and if that's something they choose to do, they're going to get charged with communicating for the purposes of prostitution. They are going to be treated like a criminal, but not at the outset.

Mr Preston: As a young offender?

The Chair: Thank you. I think this is obviously a much longer debate which you and Mr Preston might want to continue. I do want to thank you for taking the time. Regrettably, we have no more time to allocate to your presentation, but thanks very much.

**SUSPECTED CHILD ABUSE
AND NEGLECT PROGRAM,
HOSPITAL FOR SICK CHILDREN**

The Chair: I call on the suspected child abuse and neglect program, Hospital for Sick Children, Dick Huyer. I believe that's SCAN, is it? Welcome, Mr Huyer. Sorry, it's Dirk Huyer. My apologies.

Dr Dirk Huyer: It's Dirk. I'm a doctor, but I'm also a mister.

The Chair: You're a doctor and a mister and a Dirk. In any event, we're delighted to have you here to present for us. You may have heard that you have 20 minutes for your presentation, which you can use as you wish. If there is any time, I'm sure the members will ask you some questions.

Dr Huyer: Thanks. For those of you who don't know about our program at the Hospital for Sick Children, we're a multidisciplinary hospital-based program that deals with issues of child maltreatment. Essentially, we provide comprehensive care to children where abuse may be suspected or in fact was confirmed. We're made up of social workers, physicians and other counselling personnel. We have links to all the different services within the hospital as well as across the community. I was flattered to be invited to come and I appreciate the opportunity.

I want to let you know that many of the comments that were just provided I have some significant agreement with. I want to applaud Mr Bartolucci for his idea, his thoughts, the intents and premise of this act. There are two very positive things in the act, the restraining order and the penalty. I strongly support those, because I think it's important that the person or persons responsible for the acts that may be occurring should take ownership for those. I strongly support those provisions within the act.

I'm not sure, not being knowledgeable on all the different legislation, so I turn to my colleagues, specifically one with whom I've had conversation in past years about other acts, to answer those particular questions.

I want to carry forward and talk about some of my concerns about the act and some of the concerns that we at the hospital have, and we had discussion among the team. It's important to remember, and this was alluded to in the previous conversation — literature will vary, but there is certainly a substantial amount of information that says that up to 90% of the teenagers, both male and female, involved in prostitution have come from abusive environments where child maltreatment has certainly been significant, or there are some other problems at home that may or may not be defined as child maltreatment, but certainly there have been significant difficulties. As you've commented, people have run away from home or run away from facilities, and they've gotten to those facilities in some way.

I have some concern about the police department and police personnel being able to determine — in very short periods of time, with maybe limited information, how can they judge whether it's safe to return that particular person they've apprehended, to use the terminology of the act,

back to that setting? In other words, is there enough background information available to them to judge whether that home is a safe home for them to return to? Certainly many homes where child maltreatment and other difficulties have occurred are not easily recognizable as such.

1600

Here we can look at what is the proactive response. Being one of the members of the panel of experts looking at the Child and Family Services Act, I have some experience with legislation just recently as well. I think many of these features that are talked about in your act, Mr Bartolucci, are in fact addressed within the Child and Family Services Act; maybe not interpreted as such, but I think if interpretation were carefully utilized, apart from the 17- and 18-year-olds, many would be there.

This is sexual abuse. This is substantial risk of sexual abuse. I think those are there. They're not being responded to necessarily in my experience and my understanding. Police do have the option to apprehend children under that act, as do child protection workers, so it's not that the act isn't there, but it's not being interpreted and used, in my opinion.

In fact, as we recognized through the review in the panel, some of the legislation and the case law would not necessarily allow these children to be serviced under the Child and Family Services Act. So I hold optimism that the Progressive Conservative government will change some of the Child and Family Services Act. That may help to deal with this. I don't know the answer to that, but I hold optimism towards that.

I have significant concern about the three-day situation, a concern that this is a significant problem, and there is something underlying. Whether it be child maltreatment, whether they were victimized or not victimized — we generally have a feeling that that's the case, but irrespective of that, this is a big-time problem once these kids are in this situation.

Three days — and you've hit the point very solidly. If you can't give them an assessment, and you can't force them to do that, then what benefit will be there? Again, I'm not saying it's negative; I'm just saying, what benefit will we provide to these kids even if they're interested in receiving an assessment or receiving some help? It's a long-term problem. There are often complicating issues with substance abuse and there may or may not be some criminality apart from the child prostitution that's going on. While safety, security and counselling often go hand in hand, it's a very complex issue. We don't force treatment on anybody, even in criminality. Look at sex offenders. Where we think treatment is something that is going to be beneficial, we can't force that in our criminal justice system right now even after conviction. That's not a similarity but it's certainly a parallel situation.

I also have some concern about the acceptance of the guardians. In other words, when there have been so many past problems with these kids, children's aid have frequently been involved, and they're not welcomed with open arms by these people where the situation has

occurred. I think that would already set you up for some degree of failure for them being the guardians.

How they're going to be able to develop the skills to assess when these kids are safe to return would be my other concern. We already know that children's aid societies and workers are overburdened and overwhelmed and underresourced, as many places are. It would be a concern of mine that they would be able to develop that. I think they could. I think they could gain the knowledge, I think that would be something they might be able to gain, but I don't know about three days, and that would be a worry of mine.

I've had some past involvement with an organization called Operation Go Home which does work on the streets, on Yonge Street. The significant personal observation of difficulty in trying to get the children to return off the street, whether it be to their home or to a safer environment, was very, very problematic because of the focus. It took a long time and a lot of work to do this. So again, it just supports what I was saying earlier.

From a proactive approach, where to funnel the resources is always a difficult issue. It's very problematic for everybody, and who am I to be able to answer that question? Looking at the source of the problem is what I always try to do. If the source of the problem is the childhood and the difficulty during childhood, should we be funnelling more resources towards dealing with that? Tightening up the resources that are available there and finding a better system to respond to the kids prior to the fact that they're ever considering child prostitution would certainly be my child-focused response. I've seen both the kids who are going to go into prostitution — in fact, I know kids I've been involved with who went on to prostitution — and I've seen the prostitutes who have come to me in sexual assault situations, so I've seen both sides.

Those are some of the thoughts I have. I hope that's helpful and I'd be happy to answer questions if I can.

The Chair: We again have about three minutes per caucus. We begin with Ms Boyd of the NDP.

Mrs Boyd: Thanks very much for coming. We really appreciate the expertise you bring. I share your belief that changes and strengthening in the Child and Family Services Act and appropriate funding to enable that to be enforced appropriately is probably the route to go.

We heard yesterday from Julian Fantino about the Project "Guardian" situation in London. One of the issues there for all of us, and it really struck our community very severely, was that most of these kids had in one way or another been involved with the system previously, and no one had picked up on the exploitation that had happened to them. That's something all of our agencies have to deal with.

By the time kids actually get to the point of being street prostitutes, is there usually such a lengthy history that they are identifying their whole self-esteem and their ego with the provision of sexual services? Is that part of the problem that happens? Certainly that was speculated in those cases, that that was the only kind of affection they ever got.

Dr Huyer: I don't have all of the answers, as I haven't studied child prostitution to any great extent. I have general knowledge in the area, and it certainly has been reported and discussed that that is a common occurrence where there has been system involvement before; not in all situations, but certainly a common occurrence. I have also interacted with Project "Guardian" through my role with the officers who are involved.

There are a number of issues, and I don't think it can be as simplistic as that. I certainly think there are many times that systems have been involved at some point, and whether it's a lack of recognition or a lack of ability to recognize — in other words, the families don't have that window that allows that opportunity for observation, or we don't have the resources — I think that's a complex issue and I hesitate to be definitive or peg it in a certain way.

The Chair: Mr Brown for the government.

Mr Jim Brown (Scarborough West): Good afternoon. You're not — are you a doctor?

Dr Huyer: If you have your health card, I can help you out later.

Mr Jim Brown: I'm curious when you said 90% of the kids come from abusive families. You're an important guy because you're on this task force for the Child and Family Services Act. You're a very important guy because you've got to make recommendations. But I have talked to parents who are very concerned about their kids. When they try to discipline their kids, the kids either report them and the parents get charged or the kids just take off and come to the big city. They get to the bus station and the bad guys are there. The bad guys are going to look after them and do everything.

Number one, I'm just wondering if in Operation Go Home you hit places like the bus station and try to get there before the pimps get there.

Number two, and I guess it's got to do with the CFSAs and the relationship between parent and kid, sometimes when the kids take off, they come to Toronto and the parents go absolutely crazy trying to find out where they are and their health and so on. Parents I've talked to just feel totally powerless. They worry about their 14-year-old kid. Because of a federal government ruling, 14-year-olds can have sex with anybody they want. The parents know that and the parents get very upset.

What do we do about that relationship? Is that a causal thing? And when kids talk to you and say they've been abused, do you check with the parents? Do you go back to the family and see if that's true, or do you just tick off that box and say they've been abused? Because I think sometimes the kids are reacting to some sort of discipline. I would appreciate your comments.

1610

Dr Huyer: Discipline and abuse are not the same. They are totally different things. Discipline is something that's important in all families and all situations. Discipline doesn't equal corporal punishment. I don't want to get into that whole debate, but just simply say that discipline doesn't mean corporal punishment. In other words,

you can discipline in many other ways besides corporal punishment. I'm also not saying that corporal punishment is abuse. I just want to draw those differentiations.

When I'm saying abuse, I'm not necessarily reporting physical abuse. I think there are concerns of maltreatment, whether it be neglect, physical abuse or sexual abuse, where the literature has reported up to 90%. When we evaluate children for sexual abuse or abuse, we don't just use a tick box. It's usually a multidisciplinary —

Mr Jim Brown: Do you talk to the parents, charge the parents?

Dr Huyer: That's not my role. I'm a physician and I provide medical expertise. But with the police and children's aid, as in any other criminal investigation or in a child protection investigation, it's a multidisciplinary response and parents are certainly involved.

Mr Jim Brown: So that in 90% of these abuses, you tell the police, and the police go and either verify that there's — I find it hard to believe there's 90%.

Dr Huyer: In child prostitution?

Mr Jim Brown: No, that 90% of kids who leave home have left because of some sort of abuse. I find that hard to believe.

Dr Huyer: I don't think I said "left home"; I said child prostitutes that —

The Chair: Thank you. Mr Bartolucci for the Liberals.

Mr Bartolucci: Thank you very much. It was an excellent presentation. You raise some very legitimate points, first of all, with the bill. That's the purpose of public hearings, and we will glean information from you. There's absolutely no doubt about that.

I had a choice of making an amendment to the Child and Family Services Act or a stand-alone bill. I chose a stand-alone bill because no one has confidence in the Child and Family Services Act. You stated that indirectly. There was just no confidence that it had any teeth. There was no confidence with regard to the people who were trying to enforce the act. That's my history with the act, and so we have to decide whether to do stand-alone legislation or to make an amendment. If in fact the amendments that — you are part of the group that has made amendments to the Child and Family Services Act. It's for the government to decide whether or not they include them.

I suggest that the intent of the bill is very straightforward and there's support with that. Returning a child home would never be done in isolation solely by a police officer, and maybe that needs some clarification. You would have to involve a number of people in that, and that may require some clarification.

If in fact we had a conscious choice to keep this as stand-alone legislation, what would be three suggestions you would make to make the stand-alone legislation meet the needs that I think we all have, in this room and everywhere, with regard to getting rid of sexual exploitation and abuse through prostitution?

Dr Huyer: I'm not convinced — in fact, I don't believe — that three suggestions alone would adequately answer the concerns I have.

Mr Bartolucci: But just give us three, and then you know what? Others may be able to add as well.

Dr Huyer: I think I've given them to you in my concerns.

The Chair: Thank you very much for being with us, Dr Huyer. I really do appreciate it. On behalf of the committee, I thank you for sharing your expertise with us.

STREET OUTREACH SERVICES

The Chair: Our next presenter is Street Outreach Services, Susan Miner. Welcome, Ms Miner. We're very pleased to have you here today.

Ms Susan Miner: Thank you for the opportunity to speak. I find it much easier working with kids on the street than talking to this panel, so if I'm a little nervous, excuse me.

I'm going to read some of the stuff that I have submitted to you, and then I would like to expand on it and actually give you an opportunity to ask questions, so I want to be brief in my presentation.

As indicated, Street Outreach Services is a program dedicated to working with young people aged 16 to 24 involved on the streets and in prostitution. It is one of four youth programs operated by Anglican Houses and offers voluntary alternatives and choices to youth through a number of different services.

In terms of street outreach, we have youth workers on the streets until midnight most nights in the major prostitution track areas, and I want to strongly underline the fact that we work with both young women and young men. We offer counselling, support and referrals. The goal is to reach out to where the youth are and not necessarily wait for them to come to our office, because part of it is sometimes inducing them to come in for assistance.

We have a drop-in centre which offers counselling, support, education on HIV/AIDS, the PREP program — I would just comment that the PREP program was based on the fact that most of the youth we deal with have less than grade 10 education, which is another issue that has to be addressed when working with young people — and the STEP program, which is a program dedicated to young people who are saying they really do want off the street. Through a number of partnerships we have a medical clinic on site once a week, we have a legal clinic, we have a literacy program that comes in, and substance abuse program workers as well. All those issues pertain to the youth we deal with.

We run a very small and, proudly, a very quietly run program, our co-op, that is run by the youth themselves. There's a senior resident model and, as indicated, that senior resident is someone who has been successful, gotten off the street, is involved in constructive activities and basically acts as a peer mentor to the other young people in the program. It is also a mixed house.

In concert with the children's aid societies, both CAS, CCAS, and Native Child and Family Services, as well as the Jewish child and family services, we presented a protocol called the Under 16 Street Youth Protocol. I am

trusting that someone from CAS delivered that to you. We developed it with the assistance of CAS and various youth agencies that work with the young people on the street to work collaboratively with those who are on the street.

One of the facts that you'll note in another submission that I know you received yesterday from Connie Clement, which was the round table presented by DPH, is they talk about 48% of the youth who are runaways being previously involved in CAS or through the Young Offenders Act and having already maintained some sort of contact with social services. So I have great respect for a lot of work that the CAS does and I'm not dismissing the things they do well. The reality is, we need a number of choices. CAS doesn't work for all young people.

The facts about the youth we serve: Over 50% of the young people come to Toronto with the intent, I believe truly, having worked with them for many years, to find jobs, find apartments, find partners. They end up in prostitution because of a lack of choice. As is stated here, roughly 48% of our youth have had previous involvement with CAS.

On the issue of abuse, and I think it's a crucial one, we did a small survey. Some 50% of our youth, which is a low number, reported abuse. I want to stress here that we are not talking about young people who run away because they didn't want to take out the garbage or they didn't like the chores. We're talking about young people who were highly sexualized and abused before they reached the streets.

The average age for prostitution in our agency, the beginning contact, is under 15. We have dealt with young people who actually talk about being sexually abused from the time they were two and three years old, and they're highly sexualized long before they reach 16, so to come to the streets and work is not so unusual for them. It's not a black-and-white issue where they have come from a house where mom and dad are there and everything is going well and they're going to school. These youth are using the only thing that they own and control, which is their bodies, to try and help themselves.

Again, most of our youth report having less than grade 10. As I said, that's an issue around schooling. Not everyone is going to be a doctor. Some of the schooling programs have to be readjusted for people who are not particularly verbal or engaged in the idea of university. A vast majority of young people don't go to university, and it's not just a matter of brilliance or intellect; it can also be a financial matter.

I have attached an appendix. It was a snapshot survey of 40 of our youth answering the questions as honestly as they could. It's attached to this and substantiates some of the things I've already said.

We've been in operation since 1985. Over the years we have dealt with thousands of children and youth involved on the streets and in prostitution. Our basic philosophy is to tailor programs and services to their needs, so although we have static programming, we can also adjust radically for those who need different things. Our philosophy has focused on the choice and the voluntary involvement of the

youth to get out of prostitution. We have worked with both the child welfare system and police to create a spirit of partnership in working with these youth.

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As you can see from our service statistics, upwards of 50% of youth on the street involved in prostitution have had CAS involvement. For this reason, we do not believe that the problem can be solved by simply referring it to the CAS or the justice system alone. These systems need to be part of the answer but not the sole approach. SOS believes that there needs to be every effort made to get buy-in from the youth who are being victimized in prostitution so that they do not see services meant to help them as oppressive and therefore something they should flee from. If youth try to escape from help, they are usually driven more underground and put at further risk.

The example I have of that is — it's not the Westbury now, but not many years ago the Westbury Hotel had several very young women who were being held, and they were from Nova Scotia, I believe. My street workers would never see those young people. That's part of the difficulty, that we are focused specifically on street prostitution. I will get into some issues about other types of prostitution, or what I would prefer to call commercialized child sexual abuse.

You'll note that we talk about changes to the Child and Family Services Act to implement some of the programming recommended in the protocol for working with children under 16.

We are aware that the members of this committee have received the report from the Toronto Roundtable on Prostitution Involving Children and Youth and the recommendations for action to end commercialized child sexual abuse, dated this fall, 1998. Most of our concerns and recommendations about the current social/legal/moral context surrounding child and youth prostitution are outlined in this document.

We recognize the proposal to include 16- and 17-year-olds in the new act and concur with this recommendation, provided that the youth must have a choice in whether they participate in the services offered. Our position is that 16- and 17-year-olds have the autonomy to choose whether or not to be under the care of the children's aid. Furthermore, this choice should be available to all 16- and 17-year-olds regardless of the reason for coming to the attention of the authorities. To give you a very solid fact, you cannot get a youth who is 16 years old, who says they want help, into the care of the children's aid unless they were previously involved.

Another issue we wish to address with respect to the proposed bill relates to the discretion granted to the police under clause 2(2)(b) of the act. If youth are to be apprehended, we believe that the assessment as to the most appropriate place for a youth apprehended under this act is a delicate one best made by social service providers with the relevant experience and resources. I do not hold that just to the CAS; I'm also talking about collaboration with the existing agencies downtown that work with youth.

This is part of my conclusion; I have more. We wish to commend the committee for its concerns about this issue and note that to properly implement a response system to this problem, new funding is required. SOS is in operation because of the commitment of the board of Anglican Houses and the dedication to it of significant charitable funds. Our funds were cut dramatically. Because there's so little humour in this subject for me, I just want to note if you find grammatical errors it's because I don't have any administrative staff. If the government is serious about addressing this issue, there needs to be available funding for our work.

In terms of the question around abuse and why kids are on the street, I also want to comment that it took many years of physical and emotional abuse to drive most of the young people we work with to the streets. Yes, there are some people who run away because it's fun. They don't last very long on the streets and they usually return home. Conversely, it takes a very long time to reintegrate these young people back into healthy lifestyles and communities. It also takes a comprehensive and collaborative approach with others.

We have several programs I want to tell you very briefly about. These are real individuals and I know I'm talking about "they" and "them" and 16- and 14-year-olds. When I'm talking about these kids, I see faces and I know names and I know their histories. We have a peer program where we hire four young people for brief periods of time to work around the issues of AIDS and HIV.

Sally, one of the young people, was working at a very highly paid escort service two years ago. She was in at the office. She's very bright, articulate, focused, making good money and living very high. I said, "Have you ever thought of becoming a peer?" She laughed because my peers make \$100 a week. She was making \$1,000 a day and she is a rarity in this business. Most of the youth do not make that kind of money. Anyway, a year and a half later I got a phone call and she said, "Did you really mean what you said?" I said I certainly did. It took her another six months; she came in. She is now a peer in our program and is not involved in prostitution in any way and has totally reduced her drug consumption.

These are little vignettes from the kids I work with. I have right now five youths who are either in pre-university programs or in university part-time, which to me is incredible and exceptional. They're working as well as going to school. For them it's a startling change. Three of them had been involved in prostitution for five years and this is a dramatic change and they are terrified. They're not terrified to stand on the corner at 11 o'clock at night and seek money from people seeking their services, but school terrifies them, and we've done a lot of hand-holding. But they can succeed and they do.

To do justice to the lives of these young people, we do have to work in collaboration. It can't be a walking-up situation. We have to get them into our programs.

I notice that the one thing this bill did not refer to, because it doesn't technically fall under the meaning of prostitution but it does fall under commercialized child

sexual abuse, is cybersex. No one sees them except the people on computers, and we have very young youth involved in cybersex.

I'm sorry the gentleman left because he was talking about institutions and 14-year-old boys who ran away. I have to tell him that many of our youth have been abused in those institutions.

I want to leave time so that you can ask me questions.

The Chair: Thank you very much. We have about two minutes per caucus.

Mr Jim Brown: Good afternoon. You seem in the statistics to be a little critical of CAS when you say that 50% of your clientele have an involvement with CAS. Maybe you'd like to comment on that a bit.

On the needle exchange program, how many needles do you go through in a year? You don't know. Some people say this adds to the drug problem. In Sudbury, for example, the needle exchange program goes through 100,000 needles a year, which I'm amazed at.

Getting to the real thing, we're talking about the kids, and they are kids. There's nothing we can do about the Criminal Code that legalizes having sex with 14-year-old boys and girls. We can complain but people can do that.

Going after the bad guys, the johns and the pimps — it's been discussed, I've heard it from several people — in Manitoba they're seizing the cars of johns and in Florida and some other states they're attacking the assets of the pimps and freezing them and then realizing them, turning them into cash and applying the money to situations like what you have to help fund you. That attacks the adults who are making a lot of money in this business, taking away some of the incentive. Could you give me an opinion on what you think about going after the bad guys, the pimps and the johns?

Ms Miner: I'd like to respond to your comment about the needle exchange first with a statement. Toronto has probably one of the lowest rates of transmission for HIV and AIDS anywhere in Canada because, and I truly believe this, we have needle exchanges — we're not going to stop some people from using drugs — but I think to offer some safety around how they use them. Vancouver, Montreal and Ottawa have reported increases in HIV and AIDS. They do not do the same types of needle exchanges that we do.

Mr Jim Brown: But there are so many privacy things around finding out if somebody has HIV. But anyway, okay.

Ms Miner: This is proactive. I think there are always two sides to a point.

Mr Bartolucci: Ms Miner, thanks very much for an excellent presentation and for providing us with more information on SOS. Continue the excellent work that you're doing. It's much needed, as you know.

Section bill of the 10 — section 10 of the bill, I should say. I just wanted to check if the Conservatives were listening and only two of them were.

Mr Frank Klees (York-Mackenzie): I'll get you a copy, Rick.

Mr Bartolucci: "The minister may establish programs." Listen, I'm going to be the first to put the amendment in: "The minister must establish programs." I think that was the intent and it should have been there in the first place.

Let me ask you, because it's your life: What are some of the programs that you consider to be essential for the minister to provide in order to minimize the problem we have here?

Ms Miner: I think there are two avenues. A gentleman earlier spoke about prevention and education in schools and programming younger. I think you can do that. You are still going to have young people of 13, 14 and 15, their problems, and resort to other avenues. I think you have to fund programs downtown.

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I would be inane not to say mine was one of the best. There are excellent programs downtown. I think part of the issue around collaboration and service is that we're also desperately seeking funding and that a lot of times we don't collaborate most effectively. I didn't list all our partners. We partner with Shout, Native Child and Family Services, Elizabeth Fry, Beat the Street. We partner with those agencies not only to reduce duplication but to increase the services offered to youth. So in funding, we need solid funding so we can also plan in advance, but I don't think putting all the money into zero to five is going to resolve this issue.

Mr Bartolucci: Terrific. Thanks very much.

Mrs Boyd: You obviously have the passion that comes from seeing those faces and hearing those voices and knowing that. In terms of this bill, the kinds of questions that were raised by Elizabeth Fry, for example, about this notion of apprehension and safe houses and the real constitutional issues around children's rights make it very difficult to support the bill as it stands even though the intent is very clear. Have you some suggestions about whether you think this bill is fixable in its current state or whether we really need to look at some other mechanism?

Ms Miner: That's a loaded question. I think it has to have ramifications in other spheres. You're talking law and justice as opposed to social action and response and care, and I think that's part of the issue we have to address. It's not as simple as someone took a chocolate bar and is to be incarcerated for three days. We're talking about extensive histories of abuse and work around how to minimize that damage and turn kids back into functioning healthy adults.

Mrs Boyd: Could this just become a permission to scoop kids?

Ms Miner: My fear would be that some young people might not get the best programming because they haven't agreed to take it. I think that as human beings if we're told we have to do something, we're a little bit resistive occasionally, whereas if we're asked to participate, the response I think is much more positive.

The Chair: Thank you, Ms Miner. We appreciate your being here today and telling us about your organization and your experiences.

Ms Miner: I just have one sentence because I always have to have the last word.

The Chair: Go ahead.

Ms Miner: The first youth I worked with in Toronto 25 years ago was a 12-year-old young woman who was involved in prostitution. I was a CAS worker. I think people think this is more obvious now but the reality is that it's not more obvious; it's a long-standing issue. It's a problem and I really appreciate the fact that someone is trying to address it, so thank you.

The Chair: Thank you very much.

LONDON FAMILY COURT CLINIC

The Chair: Next is the London Family Court Clinic, Dr Louise Sas. We thank you for coming such a long way to make a presentation to our committee. We're looking forward to it.

Dr Louise Sas: I'm very grateful to be here and I hope I have some information that will be of assistance to all of you. I've provided a copy of a study that was done in London called Project "Guardian" and some of the information that I'll be sharing with you today will actually highlight the findings from that study.

Just as a way of introduction, I'm a clinical psychologist and I'm director of the child witness project at the London Family Court Clinic. Our role there is to prepare young children to testify in court. Usually these are children who have made allegations of either sexual or physical abuse. It could be within the family, familiarly, or extrafamiliarly, and the program is set up to help and assist young children from the ages of two and a half or three till 18 to be able to tell their stories in court. As a result, over the last decade approximately 1,000 children have come through the child witness project for various services such as court preparation. Many of us at the clinic also provide expert testimony on behalf of these children with respect to issues related to sexual abuse as well as assessment.

The staff are also involved, myself in particular, in conducting research in the area of child sexual abuse and, more recently, issues related to child witnesses. In the last couple of years, we've had a major emphasis in the area of child sexual exploitation, which is basically what I'll be talking to you about today.

We were involved in a two-year study in conjunction with the local children's aid society and the London police department on male sexual exploitation, specifically Project "Guardian," which some of you may be familiar with. For those of you who have not been made familiar with that whole topic, what I'll share with you is that it involved over 80 adult males and over 60 young male youth in our community in what could loosely be determined as a sexual exploitation ring of sorts. We were in a position to be able to look at that whole investigation and to look at what exactly occurred within that network of sexual exploitation in order to come up with some recommendations for our own community and also to get a better understanding of juvenile prostitution as such.

But I must say that first of all, unlike many of the studies I think you've heard or many of the people you've heard from so far and will hear over the next little while, they tend to deal more with street prostitutes. This study was very, very different because of the age of the children involved at the onset: 50% of the children were 13 and under when they became involved in this sexual exploitation ring. They were also not on the street. Sixty per cent of the children were living at home with parents, often in intact, as such, families. The sexual exploitation in this case in the London area was very clandestine and as such would not be something the police would have been able to respond to and pick up children immediately because it wasn't directly observable.

Generally, I think in discussions with my colleagues we are in agreement that children under 18 who are involved in prostitution are being sexually abused. I have no doubt in my mind about that. I also feel strongly that many of them may well be in need of protection. I'll address some of the age issues in a moment.

Some of the findings we have from our research that have direct implications for the suggestions you've made for this bill are the following. First and foremost, the majority of male youth in Project "Guardian" who did engage in sex for consideration, and 95% of them did, were very emotionally vulnerable, they were financially disadvantaged and they were from multi-problem and highly dysfunctional homes. The neglect that we found when we went through files, the alcoholism in the homes, the chronic conflicts, familial violence in particular, were shocking, absolutely shocking.

We found also, and I think this was just mentioned in the last two presentations, that the involvement of children's aid in their lives was very much so on an intermittent basis. In two thirds of the cases these children had previous histories of children's aid involvement, where the children's aid would respond to issues related to neglect or children being out of control of their families or physical abuse or sexual abuse, only to have their mandate over in a short period of time when things settle down a little bit and they no longer have a mandate to provide either supervision or care.

Second, the peak age, as I mentioned was very, very young: 13. In fact, 70% of the kids were 14 and under at the time when they first became involved in Project "Guardian." Given the legislation, and the MPP Mr Brown mentioned before that with respect to the Criminal Code one is able to consent to sexual activity certainly at the age of 14, I have a lot of concerns about that as well. I'm not as concerned about peer-to-peer sexual activity; I'm concerned about a 14-year-old male or female being able to consent to sexual activity with someone 20, 30, 40, 50 years older than them and the imbalance that exists there.

Although these children were consenting to the sexual acts — none of the children said that they did not consent; they did consent as such for a variety of enticements — they were in our view still terrible victims of their life circumstances. It was our position, having done the study,

that none of them were in an emotional position to be able to consent to anything like what they were involved in.

The next and third very shocking finding was that not one child disclosed in all the years that Project "Guardian" existed in the London area. That was between 15 and 18 years and there was never one disclosure. Nobody came forward — not one. Clinically, we know that abuse discovered surreptitiously or accidentally is the most difficult to deal with and to treat. There are many criticisms of the investigation as such, but one of the comments that I would agree with is that the older street kids were not appreciative of the police involvement or any of our involvement in their lives. By the time they reach age 16 or 17, just approaching them and trying to assist them to get out of the street life is not accepted by them as very meaningful.

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The other thing I want to mention is that one of the findings was the issue of psychological entrapment, and I think we have to address that very strongly. The psychological entrapment that I'm talking about is not only the fear that many of the children had in relation to their abusers, but also the humiliation and the fear of stigmatization. This was particularly true for the males in Project "Guardian" because of the homophobic atmosphere in which they had to disclose, but I know that it's also true for many of the females who have become involved in prostitution.

The implications, of course, of this psychological dynamic between children who are prostituting or involved in sex for consideration and adults for any intervention strategy is that our community has to be very vigilant. We must be aware and we must be fairly aggressive in monitoring the welfare of our children. They're not going to come to us. In particular, the type of exploitation that I'm addressing, which is in very young children, no one knew about it. We were all seeing these kids in various capacities, myself included. Some of these children had actually come not to me personally but to the family court clinic for assessment during the time they were involved in Project "Guardian" and nobody knew. I think that shocked many professionals to their roots in the London community.

Certainly, this study suggested that, depending on the nature and duration of their involvement in that kind of activity, the impact on their physical and emotional well-being could be devastating. We had at least two children who, at the time the study was completed, were HIV-positive — health concerns, sexually transmitted diseases, not to mention suicidal ideation and depression.

We concur with children's aid societies, however, that it's really early intervention that's going to make the difference in the long run. It'll be the key to preventing children from going out on the streets in the first place. Having a mandate to apprehend a young child who's in a highly dysfunctional and chronically neglectful, even at times dangerous, home has to be in place. It's much more proactive, of course, than the tertiary response that goes and tries to nab kids on the street when they're 16 or 17.

Having said that, however, I appreciate that there may be situations for children who are already on the street where the only way that one could prevent them from remaining in that street life and a life of prostitution is to actually go there, apprehend and try to make a difference. One of the concerns I have, however, is that Bill 18 appears to me to be very incident-focused, and that's one of the concerns I've had about the Child and Family Services Act. You probably have heard a lot so I'll just mention it briefly.

I still feel that it doesn't address the circumstances and the patterns that contribute to harmful conditions for children generally. The CFSA has not given children's aids a mandate to conduct even investigations of sexual exploitation that don't involve non-caregivers. That's been a problem locally in our children's aid society. The police are mandated to look at sexual assault of children by extrafamilial individuals; not the children's aid. The problem is, these kids come from homes where they can't be any longer, and I agree with previous presentations that they don't choose to be on the street. They're there not by choice.

Also, I've noticed that there are no descriptions in the CFSA about the circumstances in which a child may be found to be in need of protection. This is the first sort of example of actually naming a behaviour or a situation that would put a child at risk, and I'm pleased to see that in Bill 18. However, I want to say, and I feel this very strongly, are we going to protect 16- and 17-year-olds only from prostitution? Shouldn't we protect them from other things as well, and can't we somehow collaborate the two acts so that, with the Child and Family Services Act, children are protected all the way up to age 18, and offer its services? It's hard to get services for a child who's 15½ because they're soon going to be 16 and why bother. With decreased funding, even children who are just turning 15 are often not placed in homes when they need to be and they're out on the street.

The other thing I want to mention is that I have some concerns that many of the children who are on the street already prostituting will see the apprehension as somewhat of a draconian move and as a punishing move. Being apprehended and placed in a safe house — what is the safe house? Is it a detention centre? Many of these youths have experienced extreme sexual abuse and physical abuse at the hands of individuals who've never been taken to task for their behaviour. If we're going to be apprehending children and even placing them in safe houses, their perspectives of what a safe house is might well be that they are being detained. So at the very least we have to, I think, go after the bad guy at the same time, and in a much stronger way than we've done.

As director of the child witness project, I can't tell you the number of times I've seen children testify in court where the Criminal Code does not protect them, even with the present provisions for young witnesses, where they go through a very, very difficult and harassing time, where there's usually no conviction, and even if there is, the sentences are light.

The suggestion here is two years less a day or a \$25,000 fine. In my view, two years less a day is nothing. It is absolutely nothing. They hardly serve any of that time. The kids know that, especially the older ones who testify, and that's not going to do anything. That's not a deterrent at all, particularly for a john who has done this before. We've had cases of young adolescents who've had to testify against adults in the community who've been involved in prostitution and they've got two years less a day, if they've got that, and they've been out shortly thereafter, whereas these kids' lives are totally destroyed by that involvement. I feel very strongly that we have to do more, that we have to really give a very strong message that our society is not at all going to put up with this kind of behaviour, because I certainly have seen the impact.

Lastly, and I recognize the time limitation here, if we're going to move in that direction, please ensure that there's some sort of evaluation that goes along with this, that someone takes the time if this is implemented in some variation, to look at the effectiveness. Look at the impact on the kids you're trying to help and look at, at the same time, the impact on the individuals who are brought to the court system and see if there is a deterrent there and if the system's working not only to protect the kids but also to offer them another venue.

I do a fair bit of child abuse training in the schools, and I've done some training in that regard for the Ministry of Education. We need to teach kids to be very fearful of sexual exploitation, to understand the dynamics, to know that they could be recruited by other peers. We need to also talk about same-sex abuse in our schools, in particular for young males. Nobody talks about it. It's a very uncomfortable thing to talk about for a lot of the teachers there, but we need to do that. We need to better protect them.

Really, what I'm suggesting, in summary, is a three-pronged approach. There's early intervention, giving the children's aids the mandate, the funds and sufficient strength to be able to go in and make a difference when it really counts — that's when kids are little — to provide the child abuse training and prevention programs, and then, very much so, to provide a much stronger deterrent to those in our community who continue to prey on young children.

The Chair: Thank you, Dr Sas. Your presentation I'm sure will invite a lot of questions, but we only have one minute per caucus.

Mr Bartolucci: I want to thank you for a tremendous presentation with lots of great ideas. I particularly like the idea of the evaluation component attached to the bill. That is something that I certainly didn't think of. No other presenter has presented that aspect of it and I'm very interested in it. Could you, very quickly, and I know it would be a quick answer, expand on how you believe that evaluation process should take place?

Dr Sas: I think it would have to be, certainly, a pilot evaluation likely involving a number of different communities of different sizes because, as you see, our problems differ somewhat. I know with Toronto the presence of

young street prostitutes is much greater than, let's say, in the London area, where it's much more clandestine.

I would involve at least three communities in a pilot project where you'd have a number of things that you were evaluating. Certainly you would be evaluating the general effectiveness of apprehending kids and placing them in these safe houses, how they would function, the extent to which appropriate placements could be found for these children in treatment, and then looking at recidivism as one measure, just one, but also feedback from the children on the service provided to them. If they see it as punishing, then we're not doing our job. That could mean looking at the criminal justice system response in those cases where children are apprehended, then assisting them to attend court charges being laid by the police and looking at the response of the criminal justice system to that behaviour. That's just in a nutshell, but it involves many different areas and they all have to be done at the same time.

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Mrs Boyd: Thanks, Louise. I think the issue of evaluation is probably one of the more important new things that we've heard. I personally believe that if we had evaluated the Child and Family Services Act earlier and if we had evaluated the Young Offenders Act at, say, year five or year three and begun to see the problems, we could have acted more proactively to change those acts to work more closely together on behalf of these kids. I congratulate you on that, I know that you do it. The family court clinic has done a lot of research evaluating the effect of different policies or different actions.

Mr Kees: Thank you very much for your presentation. It was very informative. You make the point that you feel children should be protected and that the protection should be extended to the age of 18. Do you have any thought as to how we can achieve that, particularly given the fact that the current acts preclude proactive protection for children over the age of 16, and even 14 in some cases? Any advice you can leave with us on that?

Dr Sas: I agree with you that one of the major problems, depending on what legislation you're working under, is we just don't have a mandate to intervene in the lives of children between those ages. I think that's where we have to start. I agree that we have to look at all the legislation that pertains to our children.

It's interesting that in the Criminal Code they're children until they're 18, yet they can leave home when they're 16; the children's aid could be involved with them only up until they turn 16, not a day after; they can consent to treatment after they're 12, or not consent, if they so wish, even if they need it desperately; they can consent to sexual activity, but then we're concerned, if they consent to it, that someone who is 30 or 40 years older paid them to do that. I think one of the problems is we give different messages in all of our legislation, so we're not consistent.

If we can all agree that children are children until they're 18 and may not have the wherewithal, either emotional or cognitive, to make the kinds of decisions they are making in their lives, sometimes to their own detriment,

we would be in a much better position. I don't know any 17-year-olds who have the wherewithal to consent to prostitution. I really believe strongly they may think they do, but I do not believe they do.

Mr Kees: If you have any —

The Chair: Dr Sas, thank you very much for being here. I appreciate —

Mr Kees: Just 30 seconds.

The Chair: You can continue the discussion afterwards, I'm sure.

I appreciate your coming such a long way to make your points, and you've made them very forcefully.

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

The Chair: Our next presenters are the Ontario Association of Children's Aid Societies, Diane Cresswell, manager of communications, and Marion Roberts, director of services, Sudbury-Manitoulin Children's Aid Society. Thank you too for coming an even longer way than London to make your presentation. I believe, Ms Roberts, you appeared before our committee once before, on another matter, I should say.

Mr Bartolucci: No, it was the same matter.

The Chair: My apologies. I thank you very much for coming.

Ms Diane Cresswell: Thank you, Madam Chair and members of the standing committee. We are pleased to come here to present our response to this bill. My name is Diane Cresswell. I'm manager of communications with the Ontario Association of Children's Aid Societies. Marion Roberts is here with us from the children's aid society of Sudbury-Manitoulin, and Janet Ward, who is a program supervisor with Moberly House, a residential service to youth aged 12 to 15 who are chronic runaways involved in prostitution or at risk of becoming involved in prostitution here in Toronto.

We have provided you with a written submission, and I will just highlight some of the pieces in this written submission.

The OACAS is a membership organization representing 52 children's aid societies in the province of Ontario. Children's aid societies in Ontario provide service to 114,000 families and their children annually. Each year CASs provide substitute care to more than 21,000 children, and 45% of these children are over the age of 13.

All children have a fundamental entitlement to freedom from physical harm, sexual molestation and exploitation, neglect, emotional harm and abandonment. As a society, we have a collective responsibility to care for vulnerable children involved in prostitution. Child prostitution is a global phenomenon, and the United Nations Human Rights Commission has reported that there are close to 10 million children engaged in prostitution around the world.

A variety of rights of the child are violated by those indulging in child sexual exploitation. These rights were expressed in the 1989 Convention on the Rights of the Child, which has received almost universal ratification.

Article 19 of the convention outlines that "State parties shall take...legislative measures to protect the child from...violence...maltreatment or exploitation." The convention calls for integrated, cross-sectoral strategies both to prevent and to remedy the situation of sexual exploitation of children.

The issue of children involved in prostitution is complex. These children have often experienced difficult situations and circumstances at home and at school. The trauma of such experiences severely affects the normal socialization process, isolates these children and results in loss of self-esteem. Many of the children involved in street activities lack education and conventional employment skills and experience a high incidence of transience and have physical and/or mental health problems.

Children involved in prostitution run away from homes for many reasons. Some seek independence and adventure, but many are running away from an intolerable home situation. Regardless of how children arrive on the street, it appears they distrust adults. With little self-esteem, few positive role models and dysfunctional ties to family, children involved in prostitution see very little hope of leaving the streets.

Action in the area of child prostitution needs to be co-ordinated on three fronts: prevention, early intervention and appropriate support and treatment programs.

The preamble of Bill 18 states that: "The people of Ontario believe that the safety, security and well-being of children and families is a paramount concern; that children engaged in prostitution are victims of sexual exploitation, sexual abuse and physical abuse and require protection and the legislation is required to ensure the safety of all children and to assist them in ending their involvement in prostitution."

We support the intent of the legislation, as the protection of children is one of the core values of the Child and Family Services Act. However, the Child and Family Services Act already exists to ensure the safety, well-being and protection of children in Ontario. A child is in need of protection where he or she has been sexually abused or there is substantial risk that the child will be sexually molested or sexually exploited. There is no need to have two distinct pieces of legislation, both aimed at the protection of children.

In 1985, the Child and Family Services Act was proclaimed and brought together 11 pieces of legislation affecting children. The intent was to streamline the provision of services to children and reduce duplication and confusion.

In November 1997, Janet Ecker, Minister of Community and Social Services, appointed an expert panel to review the Child and Family Services Act to determine whether it had achieved a suitable balance between the best interests of the child and the autonomy of the family. The resulting report, Protecting Vulnerable Children, makes a number of recommendations designed to ensure that the "safety, protection and well-being of each child" is paramount. The Ontario Association of Children's Aid Societies supports this report wholeheartedly. The frame-

work of Bill 18, however, does not achieve the intended proposals in this report.

Children involved in prostitution can be seen in a variety of ways: as victims of abuse, as offenders of a crime or as individuals making a lifestyle choice. Children involved in prostitution should only be seen as victims of abuse. These children, if not abused while at home, are certainly victims of sexual exploitation and sexual and physical abuse when they are used by either a pimp or a john.

I would like to refer you to the chart on pages 7 and 8 of our written submission, in which we compare Bill 18 with the CFSA and the expert panel's recommendations.

Both Bill 18 and the CFSA have similar provisions to apprehend a child with or without a warrant. The expert panel recommends elimination of this.

Both Bill 18 and the CFSA provide an ability to seek restraining orders prohibiting access to a child or contact with a child. Bill 18, however, creates a new ground for finding a child in need of protection. Bill 18 also outlines that a child can be found in need of protection on simply being engaged in prostitution.

Bill 18 defines a child as any person under age 18 engaged in prostitution. There is no mention of prostitution in section 37 of the CFSA. There must be a condition of harm or risk for a child to be in need of protection under the CFSA. A child under the CFSA is defined as under 16 years of age. The expert panel recommends an extension to age 18.

1700

Bill 18 requires that a child protection worker show cause within three days that a child is in need of protection. The CFSA provides a five-day limit to show cause and the expert panel suggests that this be extended.

While some of the proposals set forward in Bill 18 might strengthen the capacity of the system to protect children, the conflicts with the CFSA will result in confusion, a split in the enforcement of the legislation and would likely invite charter challenges based on discrimination against some children who have suffered abuse and neglect.

Bill 18 proposes to provide protection to youth 16 to 18 years of age involved in child prostitution. Why is this protection limited to children involved in prostitution and not to all children under the age of 18 who are victims of child abuse? This is unfair to abused children who are not involved in prostitution. Section 15 of the Charter of Rights and Freedoms provides that "every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination...." The difference in age jurisdiction in the CFSA and Bill 18 could give rise to a section 15 charter challenge.

There is need to amend the legislation to include children 18 years of age and under. However, a definition of "child" which includes the ages of 16 to 18 years may be problematic since in the Family Law Act and the Criminal Code of Canada the definition sections vary with respect to age definition. Some refer to offences with children under the age of 14 and some to youth under the age of 18.

The law should be consistent in its application of the definition of a child as it relates to prostitution-related offences. Any distinction in age should only relate to the penalty imposed and not to the offence.

The Child and Family Services Act presently allows for children's aid societies, under certain circumstances, to provide a voluntary service to 16- to 18-year-olds. However, there is no funding assured for this service.

It is unclear in Bill 18 if a "protective safe house" is meant to mean a place of safety or open temporary detention, as defined by the CFSA. While not clearly defined, it appears that a protective safe house would have the capacity to detain a child against his or her own will.

The concept of a safe house is a good one, if it is designed to meet the needs of the children. A safe house needs to be designed in a way that allows for children to come to the house on their own, for children who are out of control to be detained, as well as children believed to be involved in prostitution. While Bill 18 prescribes that an application must be made within three days if the child is not returned to the parent, there is no clear limit to the time a child can be detained in a protective safe house.

Bill 18 also proposes that a police officer apprehend a child and a child protection worker is then delegated full responsibility to justify the reason for apprehension and show cause. This may be difficult in terms of obtaining a protection order.

Under the proposed legislation, there may be confinement without a warrant of persons who may or may not have been involved in a criminal offence. This is an infringement of section 9 of the Charter of Rights and Freedoms, which indicates, "Everyone has the right not to be arbitrarily detained or imprisoned."

Child and youth prostitution is a complex social ill with a myriad of ignored underlying causes. Legislation against child prostitution exists in almost every country, yet actual enforcement of this legislation is poor.

I'd like to refer you to the recommendations that we make in our written submission and suggest to you the following:

Although Bill 18 attempts to provide a protective approach to children involved in prostitution, it cannot stand on its own. The Child and Family Services Act already exists to ensure the safety, well-being and protection of children in Ontario.

Outreach services to connect with street youth, to help them form relationships and to facilitate and support their readiness to leave the street are essential. Additional services aimed at youth wishing to leave prostitution must be flexible.

The government should not pass Bill 18 but rather amend existing legislation and develop strategies and services to respond to children involved in prostitution. This involves amending the Child and Family Services Act and the Criminal Code and then developing strategies that can intervene with young people at an early stage and assist them to get off the street.

Madam Chairman and committee, these are our recommendations. We would be pleased to answer any questions you have.

The Chair: Thank you. We have just about two and a half minutes per caucus.

Mrs Boyd: There's a lot to digest in here and I know you skipped through as well as you could to leave us a little bit of time for questions. I think appreciating the difficulty of trying to come to grips with this issue is one of the most important outcomes of the discussion we've had of Bill 18 because there are no simplistic solutions that we come up to. They are all integrated in a way.

I'm fascinated by your sense that we really need to be looking at this on a cross-jurisdictional basis between provinces and the federal government and focusing our attention on the issue from both aspects, and we've got to an opportunity to do that right now. In Ontario we're looking at child protection through the expert panel and the action, and of course the federal government is looking at the Young Offenders Act and has already made some changes and indicated it will make others to the Criminal Code. It seems like a particularly opportune moment to try and come up with the way to integrate our approach to this. Would you say so?

Ms Cresswell: Yes.

Mrs Boyd: On the age 18, as you know, there already is a discriminatory aspect to the law in that some sexual acts are criminalized if they are performed only under age 14 and others under age 18. You're saying you believe it should be criminalized throughout or only prostitution? I need some clarification on that.

Ms Cresswell: The involvement in prostitution.

Mrs Boyd: So you're not suggesting that any sexual act be criminalized up to age 18. You would want the age differential left in, but recognizing that 14 may be appropriate. We have had that recommendation from some other presenters.

Ms Cresswell: I would suggest that.

Mr John O'Toole (Durham East): I'd like to thank you very much, Ms Cresswell, for your presentation. I tried to follow along. It's a very comprehensive response and I will keep this as a reference document.

I'm aware, from reading the preparation for the bill, of the conflict under the Child and Family Services Act and this particular bill, and will probably support that. I like the preamble part of the bill where it says there's got to be some recognition of family responsibilities, knowing full well that that's really fundamentally partially what's wrong today.

As a member, I see at a community level significant issues, loitering, boredom, whatever. I'm involved with a youth group in my community, trying to get a youth drop-in centre and that kind of thing. Underlying all of that, I have five children in our family and I know just how difficult it is. Do you have any advice? I know you've talked about the courts, the process and the streets, and I see you have someone from Toronto. Perhaps some of the residents from my riding are here in Toronto as street kids,

as we might refer to them. You work with this with the children's aid, I gather.

Do you have any that we can reach out to the family, the unit of society that's somewhat neglected in all of this. This is the year of the family, coming into the year of the older person. I'm not trying to be overarching here, but how can we reach the families, to first get that functioning? I throw that open very broadly in the context of this discussion. How can we reach out to the family?

It seems almost like an anachronism. I'm very worried that by the year 2020 the family will be so marginalized and trivialized that we're at risk of society being fragmented to the point where it's totally disconnected as a community. The basic unit of the community is the family, and that sounds so old fashioned and corny that I'm almost dismissed.

1710

Ms Marion Roberts: I'll take a stab at that. I think you're raising a really valid point. In thinking about all of this, we always talk about early intervention, prevention, treatment etc, but one of the issues that we often don't address is the whole concept of family and parenting and how difficult it is to parent children. If a parent is having any kind of difficulty, they keep it to themselves. It's not open in the community that there are supports there and that communities can raise children. If there's any kind of problem or difficulty, they tend to stay within themselves because there's a stigma attached to seeking help at an early stage. So if communities were more open and accepting.

Mr Bartolucci: Thank you for your presentation. Certainly you have put a lot of paper together and I realize that a lot of thought has gone into your presentation and your brief. If you worked in Alberta, would you be against Bill 1 in Alberta?

Ms Cresswell: I don't think so. I think I would be supporting Bill 1 in that it provides support to youth who are involved in prostitution.

Mr Bartolucci: If you were in Saskatchewan, would you be against Bill 742?

Ms Cresswell: No.

Mr Bartolucci: Yet you're suggesting here today that we don't adopt Bill 18. Aren't there some conflicting messages here?

Ms Cresswell: No. We are suggesting that the intent of the bill is very appropriate, but that the amendments to the other acts that are in place today will be able to deal with this. We are concerned about the confusion of having X number of bills that would be dealing with a different population.

Mr Bartolucci: I appreciate that, but both Alberta's bill and Saskatchewan's bill are issue specific. Bill 18 is issue specific.

Ms Roberts: My understanding of Bill 1, and I could be corrected on this, is that it was incorporated into the existing child protection legislation, that it did not stand as two separate bills, and that in both provinces that you've just mentioned children are defined for purposes of protection to the age of 18, which is different from Ontario.

Mr Bartolucci: I'll check it out, but I would suggest that presenters yesterday indicated that it was very much a stand-alone bill.

Ms Roberts: It's one piece of legislation.

Mr Bartolucci: We'll check that out. There's a conscious effort here on my part — I have to be honest, I had the option of doing an amendment to the Child and Family Services Act or a stand-alone bill. I chose a stand-alone bill because of the perception out there — and I say "perception" because in 30 years in teaching I spent a lot of time talking to children's aid society workers, so I appreciate the dilemma and the role you have and you fulfil for society and for children. But the perception out there is that the act is ineffective, that the people who are charged with fulfilling the perception don't do the job we want. As I say, I colour that because I had 30 years where I dealt with children's aid society workers.

The Chair: Mr Bartolucci, could you sum up, please?

Mr Bartolucci: Yes, very quickly. I would suggest to you, if in fact all the changes were to take place that you recommend within the bill, would it then be a good piece of stand-alone legislation?

Ms Cresswell: I think it would be very difficult. You can't change this bill without changing the Child and Family Services Act to conform with that, so it's not just changing the bill, it's changing the existing legislation that is available for children's aid societies to operate under at this point.

The Chair: Thank you, Ms Cresswell, Ms Roberts and Ms Ward, for being here this afternoon and sharing your views and those of your association with us. We appreciate it.

COVENANT HOUSE TORONTO

The Chair: May I ask Covenant House of Toronto, Michele Anderson, to come forward.

Mr Kees: On a point of order, Madam Chair, while the next presenters are coming forward: I think it's important for Mr Bartolucci to note that he shouldn't be taking this personally at all. I think everyone is agreeing in principle with what he —

The Chair: I don't believe that's a point of order.

Mr Bartolucci: Mr Kees, I don't believe I'm taking this personally, but thank you for being concerned.

Interjections.

The Chair: Gentlemen, please. Ms Anderson, thank you very much for being here and for your patience. We look forward to your views.

Ms Michele Anderson: Good afternoon, everyone. My name is Michele Anderson. I am the outreach supervisor at Covenant House. On behalf of Covenant House, I'm pleased to have this opportunity to address the committee.

Most of you are probably familiar with Covenant House. It is Canada's largest shelter and support service for homeless youth, 80% privately funded. Covenant House has more than 16 years of experience in dealing with the many tragic consequences of street life. Among the worst is the sexual exploitation of children for profit.

These young people are literally reduced to being human commodities in a vicious, dangerous market. For those who find the resilience, the way back is painfully difficult.

As youth advocates, we support the effort to extend greater protection to young victims who are forced and manipulated into prostitution, often as a means of survival. Initiatives such as Bill 18 to deal with the serious and growing problem are long overdue. We believe this type of action is needed, along with stiffer penalties for both the pimps and johns who use children.

Through our outreach program, working closely with the police services juvenile task force, we are on the streets nightly to reach and rescue those who are most at risk. We are seeing significantly more and younger children falling prey to increasingly organized and predatory pimps. The majority of the young girls and boys we see are between 15 and 18, but we encounter children as young as 13 involved in the sex trade. They come from everywhere across the province and the country. Unfortunately, this is not just a Toronto problem. It reaches far into most urban centres across the province.

Because child prostitution is lucrative, drugs and violence are often used to keep kids working. Caught in a vicious cycle of victimization, these kids, who are often the victims of sexual abuse in their own homes, are constantly exposed to physical and psychological abuse which renders them helpless to escape. They live constantly at risk for sexually transmitted diseases, including AIDS. Too often, they are at risk for the lives.

We are also seeing several disturbing new trends on the street in the past four years. There has been a shift from street-level prostitution to escort services and the production of child pornography. While this may put the problem out of sight, it also makes efforts to help these young people more difficult. We believe there is a need for greater regulations of escort services, massage parlours and strip clubs to ensure the protection of underage children.

Increasingly we are seeing evidence of the operation of international prostitution rings, including recent examples of young girls sold into Canada from Thailand and eastern European countries. We are also now seeing evidence of greater organization on the street among young male prostitutes, with pimps beginning to exert control in this traditionally open field.

While we are not legal experts, we recognize that there are contentious legal issues raised by Bill 18 around the apprehension and confinement of young people. We would hope that the precedent that has been set in Nevada, and which has not been challenged in Nevada, would serve as a model for Ontario.

Finally, the effectiveness of the program envisioned in Bill 18 depends on the commitment of adequate resources. As a society, we have a choice to either pay in the short term or pay higher, long-term costs if we continue to neglect and ignore this serious and growing problem.

What is also required is a concerted and coordinated effort among provincial government ministries, particularly the Ministry of the Attorney General, the Ministry of

the Solicitor General, the Ministry of Community and Social Services and the federal government.

As I mentioned earlier, at Covenant House we believe there is a need for far tougher deterrents for both pimps and johns who use children. We would also appeal to the Ontario government to support tougher Criminal Code penalties in this area, such as treating child prostitution as commercialized child sexual abuse punishable by significant jail terms.

We urge this committee and the Ontario Legislature to adopt Bill 18 to provide greater protection to these vulnerable children and to commit the necessary resources to make this plan work.

1720

The Chair: Thank you very much. We have approximately four and a half minutes per caucus.

Mr Jim Brown: Your testimony is pretty important. You're right in downtown Toronto and you see a lot. The federal government allows 14-year-olds to have sex with 40-year-olds or whatever. They dropped the age of that fast and they dropped the age of the Young Offenders Act. I think that's a major problem. You mentioned something near my heart, which is punishment of the bad guys, the pimps and the johns. Certainly with some of the jail sentences that come down, if it's two years less a day, it's a third off just because and it's another third off if they behave themselves, although we've managed to cut down on some of that. So you're basically looking at pretty wimpy sentences.

What about taking johns' cars and what about taking the assets of pimps, who usually are drug dealers as well, and hitting them in the pocketbook and trying to eliminate some of the incentive for taking advantage of the kids?

Ms Anderson: I guess I would still like to focus on the youth and what we can do in terms of protecting the youth. I know these are different models that are used in different jurisdictions. I'm not well versed in those kinds of areas. In terms of seizing cars and seizing assets, I don't know, I'd say have a significant jail term. Yes, seize the assets from the —

Mr Jim Brown: You see, the federal government is wimpy on that too. They changed the Criminal Code and they don't even want jails, I think, so it's tough with them. We're trying to do what we can do. So you think that's a good idea?

Ms Anderson: I think tougher incarceration, bigger sentences and maybe seizing the assets of profit.

Mr Preston: On that line, the sentencing is so out of line and unfair. If I catch an 18-inch trout out of season, I can lose my car, my boat, my fishing rod, everything. But I can take a 14-year-old kid out and probably because I'm a good citizen I'll have to clean the park once a week for the next six months.

Interjection: John school.

Mr Preston: Or john school, whatever it is. There are a couple of things I'd like to touch on. Number one, I believe everybody is in favour of Mr Bartolucci's bill. I think what Rick wants to do is toughen laws against prostitution. I happen to be chairman of the youth committee

and I urge everybody who's had anything to say here today to write to me with ideas that can change the Child and Family Services Act so it has some teeth. I think if we do that, it will satisfy your desires, although it won't get your bill in with your name on it, but I don't think that's your prime concern. I think your prime concern is for the kids, like we all are concerned. I ask that everybody who has concerns with the fact that the family services act doesn't have the teeth it should have — because this is all covered there in one way or another.

Ms Anderson: Our age of protection is far too low. In other jurisdictions it's not 16 —

Mr Preston: No question.

Ms Anderson: — it's 18. If you go to British Columbia, if you go to Quebec, the age of protection is not 16. That's why we get so many of them coming here because they can live literally on the streets at 16 and 17 and not have any intervention whatsoever. If they stay in their home communities, there will be intervention. That's why we have such a huge problem here in Toronto.

Mr Preston: That is the crime.

Ms Anderson: We need to increase the age of protection. How that gets done —

Mr Preston: And decrease the age of penalty. Let's do both together. If a kid needs protection, let's give him or her protection, regardless of their age, but if they need a penalty, let's put it down to where it's realistic too.

Mr Bartolucci: I didn't think I'd have to clarify my motives to the committee, but of prime concern to me always has been, always will be, the protection of children. That's what this act is all about. To be quite frank, I don't care where it ends up as long as we're protecting kids. The prime motivator of the bill is not to punish pimps or johns. That's a part of the bill. The prime motivation for the bill, as I think with every presentation that has been made so far, is the protection of children. If some of the committee members are having trouble at this point in time, I suggest we all take reading comprehension lessons.

However, having said that, Ms Anderson, I appreciate your presentation. Section 10, to me, is very critical because it's all about education and it's all about programs. Could you offer some suggestions as to what type of program you think should form part of this bill?

Ms Anderson: We have at Covenant House a runaway prevention program which goes all throughout southern Ontario and makes presentations in schools to middle schools — grades 5 and 6 up into high school — in terms of letting the young people know the dangers of the streets, what they need to be careful of, what they need to think about before they run, and where they can go before they feel compelled to run from a home situation. I think that is absolutely critical in terms of reaching the younger population so that they're armed with that information when they're 12, 13 and 14. If they get that when they're nine, 10 and 11, I think that can go a long way to educating our young people in terms of the dangers on the street.

Mr Bartolucci: So preventive programming and financial resources —

Ms Anderson: Absolutely.

Mr Bartolucci: Thank you for the great work you do. I really appreciate your presentation today.

Mrs Boyd: I'm really encouraged. I assume that Mr Preston's comment should be an indicator to us all that the government is going to move the protection age up to 18. That would go a long way to meeting some of your concerns.

You made a comment about the precedent in Nevada. Are you talking about the decriminalization of prostitution?

Ms Anderson: No.

Mrs Boyd: Could you explain to us what you are talking about?

Ms Anderson: I'm talking about the apprehension of young people involved in prostitution. They've been picked up for, let's say, communicating and they are held for 30 days. There was —

Mrs Boyd: They're charged, though?

Ms Anderson: Actually they're held — the term that is used and I don't know all the legalities in this — as material witnesses.

Mrs Boyd: Good.

Ms Anderson: They are under lock and key, but they have access to lots of assistance. They can go to school, get counselling, get detoxified, get the street out of them. That is a model that has been in existence for about three years now. I was speaking to an officer from Nevada just about a week ago on it and when it was first presented the social service agencies there were all up in arms against this because it impinged on their rights as children, to be apprehended and put under lock and key. Now they are very much in favour of this. They've had a great success rate with this model and the kids do get the protection they need.

Mrs Boyd: The kids then testify against the johns —

Ms Anderson: It has not been challenged constitutionally, which is surprising considering where that whole model comes from. They get the support for going to court. They get all of that. It's something that we are aware of and that we know works.

The only other point I would like to make in terms of increasing the age of protection is that our biggest challenge is finding safe houses for these kids, a shelter. We're filled to the rafters every single night, with 85, 95 kids in-house and there's just not enough space available for many of these, especially in an urban centre like Toronto.

Mrs Boyd: Are you funded for your prevention program?

Ms Anderson: Eighty per cent of it is private funding. That's our funding base.

The Chair: Ms Anderson, we want to thank you very much for being here today and making the presentation to our committee

TORONTO POLICE SERVICE

The Chair: Our final presentation of the day, but by no means the least important, is the Toronto Police Service, 52 division, juvenile task force, Michel Beauparlant. Bienvenue, welcome. We're very happy to have you here. Detective Beauparlant, you have 20 minutes for your presentation and at the conclusion of this I need time as I am sure we will want to ask you some questions.

Mr Michel Beauparlant: What I'd like to do first hand is just give a brief background of the juvenile task force and then jump in with what Mr Bartolucci and Mr Brown and a few others know very well is our mandate.

The juvenile task force on prostitution was formed in 1981 as a result of public and police concern at the procuring and manipulation of young persons into prostitution. The juvenile task force on prostitution is responsible for identifying, apprehending and investigating juvenile prostitutes. The unit is further responsible for arresting and assisting in the prosecution of their adult organizers. Once identifying these young persons, removing them from their street environment and arresting their pimps is of paramount importance. Statistics indicate that the prostitution trade, and in particular juvenile prostitution in Toronto and in fact across Canada, is on the rise. In the Toronto area, it can be stated with certainty that 52 division remains a centre of activity in terms of visible and concealed prostitution.

Michele Anderson touched on we now have the Internet and other areas that are somewhat going underground with the escort services.

The vast majority of runaway girls, whether they come from the GTA or across Canada, tend to gravitate to Toronto's centre core, and in particular to the Toronto Eaton Centre and the Yonge Street strip. Unfortunately, pimps are also aware of this. This results in the young runaways ending up as prime targets to be preyed upon.

Getting to Mr Bartolucci's Bill 18, members of the juvenile task force have closely reviewed this private member's bill on protection of children involved in prostitution. We strongly offer our support for this bill for a number of reasons.

First, raising the age of apprehension to under the age of 18 would assist all police officers in Ontario when dealing with young females working as prostitutes. Just to touch on that, the earliest possible intervention provides the best hope for breaking the cycle with these young people. A frustration that I have experienced over the last 10 to 12 years I have been involved in prostitution as a police officer is that it's very frustrating when I sit out on the street doing surveillance and I see a young person who I knew a week before was 15 years old and I could pick her up and take her to a safe place, and then a week later, when she is 16 years old, I sit there and I cringe at the thought that she is getting into a car. I could intervene there, but I can't do it 50 times. Because she or he is 16 years old, I cannot take this person to a safe place and

attempt through all the social agencies that we have — how can I put it? We've made fabulous progress with building bridges between social agencies such as Covenant House and SOS.

I can't tell you — I'm sure all of your constituents have spoken to you, and I know that you know. Parents phone me daily from Vancouver, from Halifax, and I tell them that I just can't take their child back off the street, because they are 16 or 17 years old. All I can really do is approach that child and say to them: "Please call your mom or your dad. They're concerned." It's very frustrating.

This bill would be a unique tool. I understand some people are afraid that it would affect their Charter of Rights. I tell you, since 1994, my unit alone has apprehended an average of 65 to 70 girls under the age of 16. I can't imagine what the numbers are and how many individuals we could get to a safe place and break this cycle.

I'm sure everybody sitting in this room never thought that, at whatever age you are now, you would be an MPP, and I'm sure these young people don't sit at 16 years old and say, "Jeez, I'm going to be a prostitute for the rest of my life."

I'll get to my second point now. We feel that with the present legislation a lot of these 16- and 17-year-old victims, I would call them, are left in a state of limbo. They find themselves with no money or guidance. When officers, and I'm speaking not only of plainclothes officers but uniformed officers, approach these young people, they're brainwashed by the pimps to avoid the police, lie to the police.

We all have children. We understand our children. They're going through a difficult period of time in those years, 14, 15, 16, 17 and so on. These officers will check them out. The officers have no authority to take these young people into a safe place, so it leaves you in a very frustrating position. I don't know how many nights I've gone home thinking, "Are any of these young people going to be killed?" They're so vulnerable out there and it is a jungle.

The proposal to detain a youth for three days in a designated safe house is an excellent recommendation. I would even strongly recommend that this period of time be extended to 30 days. This would enable the social agencies to have some clout in attempting to break the cycle.

Michele Anderson mentioned Las Vegas. They have a unique program that is on right now and I think it would be very beneficial here in Toronto. It would have to be studied and there would be variations because of our Canadian laws, but it doesn't make it a revolving door.

A lot of times when my officers bring a young person to a safe place like Moberly, Covenant House or SOS, whatever it may be, first of all, the young girls have been directed into drugs and drinking, and a lot of times their faculties are disoriented. They've been taken from their home in Halifax or Vancouver and then all of a sudden they're out all night long. They're sleeping all day long. There's nothing normal to their lives. It takes time to break this cycle. Sometimes they sleep overnight in

Moberly and, "I'm gone," the next day. It's a frustrating cycle.

I know a lot of the problems lie with budgeting resources, but as a police officer, I salute this bill and strongly endorse it as a tool. If we even saved one child between the ages of 16 and 17, I would trade all the accolades of 20-something years.

Mr Bartolucci: Thanks very much for your presentation, Detective Beauparlant. I appreciate the insight, certainly, and the support.

We in Sudbury, as you know, have implemented the DISC program with our very proactive police services under the capable guidance of Chief McCauley. The DISC program is "deter, identify sex-trade consumers." We publish their names in the paper. Are there any other types of programs like that available to any jurisdiction?

Mr Beauparlant: I know within the Toronto Police there is nothing in place as of this moment. However, I think that's a good idea. I think any deterrent that we can use — Mr Brown spoke about seizing assets. Anything that will deter individuals from picking up these young people. You'll never totally eliminate it, but if it just stops them from taking that one particular child, whether it's a child of 14 — we're finding them 11, 12, 13 years old now. It's frightening. As a police officer and a father, anything that would assist in helping the children I would be totally for.

1740

Mr Bartolucci: There is some integration with the modern world we have with telecommunications with regard to how we process, in this bill, found in section 3. Do you see a problem with a legal challenge to that?

Mr Beauparlant: Yes, I'm sure there will be a challenge, but I am a police officer and that would have to be directed by lawyers and legislators. I'm sure there's always a challenge to everything when it deals with people's rights, and children have rights. Yes, I would say there would be, but that would have to be argued within that area.

Mr Bartolucci: That's a very important point to make, though.

The last question is, we'll never get rid of the problem, but should we ever be afraid to take opportunities to explore positive solutions?

Mr Beauparlant: As I said earlier, I think it would assist in saving so many young souls. These young girls have been abused. I've seen them. They've been branded. They're sold like meat. If this bill goes through, or anything — you were speaking earlier about the Child and Family Services Act — that would assist us, as police officers and social agencies, to assist these children, I'm wholeheartedly for it.

Mrs Boyd: I'm curious as to whether you have some suggestion around, under Canadian law, how we could do this detention for 30 days. Do you think the same issue around material witness might be possible?

Mr Beauparlant: There would have to be some research done into that. I would like to go and see what their program is, and is there a success rate to it. I think

that's something that should be looked into. However, what we have presently is ineffective and it's not working. The children, after one night's sleep, are out the door and we're right back to square one. So I'm sure that somewhere in between there is a solution.

Mrs Boyd: Because, you know, we used to incarcerate people without a warrant and without any court hearing and with no determination. Generally speaking, we can't do that now with the Charter of Rights. It seems to me quite a serious challenge to go as far as the 30 days unless we have the mechanism available to do it. I think most of the people who have spoken have said that the three days is too short a period of time, and certainly not having any time, which is basically where you are now, doesn't help. But it's not a small problem.

As you know, as a police officer you can't — I can't even imagine how we could do this if there wasn't an element of consent or at least an element of coming before a court to have that determination.

Mr Beauparlant: I agree with you there. You will probably not get the consent from the child. However, the system is not working right now, and it has not for the 12 years I've been involved. I'm sure some research would have to be done on it and some balance of maybe 15 days. I don't know. I haven't done a lot of research on that, but I'm sure there could be some compromise.

Mrs Boyd: I think Toronto is very fortunate to have the juvenile task force. It's something that I would hope other cities would be looking at seriously, because that kind of community policing that you were talking about, the kinds of partnerships that you've formed and the kind of really clear vision of the continuity of the problem, not just the law enforcement part of the problem, is a pretty important thing that all communities could benefit from.

Mr Beauparlant: I totally agree with that.

Mr Jim Brown: Welcome. Mr Bartolucci's bill has been passed in Alberta, and I think he's added something too which I like, the telewarranting. So we did read your bill. If Rick hadn't introduced it, I think I was going to introduce it, so I really think it's a very positive step.

I've been on ride-alongs downtown and I've talked to Cherry Kingsley, who was a former victim and childhood prostitute. She has told me about the strolls, and of course right in front of the Solicitor General's building on Grosvenor there is a young males' stroll. So if you go there at 10 o'clock at night, you walk right through it. It seems that it's proliferating; it's really become a big problem.

Mr Beauparlant: Well, not only there. They'll transport young females from Halifax to Montreal to Ottawa to Toronto. Then, if the heat is on there, they'll move to Vancouver, Calgary. They're like nomads; they're all over the place. Here, we can only deal with what the laws are in the province and with what we have in the Criminal Code.

Mr Jim Brown: But you know this government means business in terms of safety for everybody. As for the young prostitutes, we'd like to not have that at all. You know that because we have talked at length about what we can do.

I get kind of perplexed. I try to get innovative solutions. Rick certainly has made a good foray into it. But what else can we do? I mentioned seizing the cars of johns and the assets of pimps and drug dealers. Any other innovative ideas, perhaps even creating provincial offences for some of this activity?

Mr Beauparlant: Personally, I think a provincial task force on juvenile prostitution should be looked at. There is one in place now in British Columbia that we have dealt with. I think it would enable us to follow the patterns, and there are patterns.

As I elaborated on earlier, these young people are being transported from across the country. If you took a 13-year-old from Halifax to Montreal and kept her up all night for a week — as an example of what Michele said earlier, there was a Taiwanese girl who was apprehended in a bawdy house and she asked where she was. She didn't even know what country she was in. That is sad. So these individuals are organized; they are getting smart. They'll have family members in one area, family members in another area. They're organized.

We're not organized here. We're trying, we try to communicate, but I have six officers working for me and they're constantly on the go. Just getting to a conference is sometimes — we are constantly talking to other units, but if a provincial task force was formed, I think it would have a lot of impact on prostitution in this province.

Mr O'Toole: I appreciate your presentation. You bring a fair amount of feeling and emotion to it. I can see the frustration.

The frustration, as Jim Brown has mentioned, with the federal Young Offenders Act and the FIPPA stuff is sort of tokenistic with respect to getting to where you want to go.

I like the idea that you're supportive and I was pleased that Covenant House supported the Nevada experiment or pilot. I hadn't really heard of it until then. I think it's great. But it's almost in contradiction to this issue, we find, this unlawful kind of detainment in a safe house, and questioning that, of three days — like you say, they would hardly be awake by that time — to 30 days. Just a quick response to that.

How much of this 16-to-18 politics really gets into the way of doing your job? That seemed to me the most critical point, that if they are over 16, you really can't do anything technically. Is that the fact?

Mr Beauparlant: That is the fact, sir.

Mr O'Toole: Gee, that's tragic.

Mr Beauparlant: No grey area whatsoever. A 16-year-old can stand on the corner of Jarvis and Isabella and wave at me, but a week earlier I could take that young person to a safe place. You can't imagine the frustrations. These young people are out there at 3 or 4 o'clock in the morning, and there are more weirdos floating around picking these young people up. I'm surprised and I can't believe there are not more serious things that happen. I can't begin to tell you the degradation that they're subjected to, not only from the pimps but from the johns alone.

Statistically, between 16 and 18 I know we would have about 200 to 300 more young females that we would deal with.

Mrs Boyd: In a day?

Mr Beauparlant: No, I'm talking in a year. Our unit alone would apprehend maybe 65 to 70 girls a year under the age of 16, but from 16 to 18 they run away a lot more frequently — you know, summertime. I could give you actual statistics, but it really doesn't matter. Getting to your point, it's terrible frustrating.

Mr O'Toole: But we're so politically correct now, even the family has no power left.

Mr Beauparlant: The parents phone me daily. They say: "You're a police officer. Please go get my daughter."

Interjection: They're done too, though.

Mr Beauparlant: Yes. They can't do anything.

The Chair: Detective Beauparlant, I do want to thank you on behalf of the committee for being here and for sharing so candidly your views and those of your task force. Thanks very much.

Ladies and gentlemen, this concludes our witnesses for the day. I would remind you of just a couple of items of business.

First, as agreed in the report of the subcommittee, amendments are to be filed with the clerk of the committee on Monday, October 5, 1998, by 1 pm, if possible. I know you will do your best.

The other issue is that we will reconvene on Monday, October 5, at 3:30 following routine proceedings. If there is no other business, we will adjourn until then.

The committee adjourned at 1751.

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Monday 5 October 1998

Standing committee on
social development

Protection of Children
involved in Prostitution Act, 1998

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Deuxième session, 36^e législature

Journal des débats (Hansard)

Lundi 5 octobre 1998

Comité permanent des
affaires sociales

Loi de 1998 sur la protection
des enfants qui se livrent
à la prostitution



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Monday 5 October 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES SOCIALES

Lundi 5 octobre 1998

*The committee met at 1534 in room 151.*PROTECTION OF CHILDREN
INVOLVED IN PROSTITUTION ACT, 1998LOI DE 1998 SUR LA PROTECTION
DES ENFANTS QUI SE LIVRENT
À LA PROSTITUTION

Consideration of Bill 18, An Act to protect Children involved in Prostitution / Projet de loi 18, Loi visant à protéger les enfants qui se livrent à la prostitution.

SURVIVORS OF MEDICAL ABUSE

The Chair (Ms Annamarie Castrilli): Ladies and gentlemen, welcome to our final session for presenters on Bill 18.

Our first presenter today is Survivors of Medical Abuse, Sharon Danley. Ms Danley, welcome to our committee. We're very pleased to have you here. You have 20 minutes for your presentation. You can use all of that time or part of that time, and if there's any time remaining, the members of the committee will ask you some questions.

Ms Sharon Danley: I'd like to thank everyone for the opportunity to speak to this assemblage on Bill 18, An Act to protect Children involved in Prostitution, and what some of us feel will greatly affect our community and, more importantly, our young women.

We appreciate that we are all concerned for the safety and, hopefully, healthy growth of our young people, but we strongly feel that this bill has too many loopholes and, further, that it sets up the potential to abuse under the guise of concerned authority. Further, we don't see any safeguards built in for accountability and/or deterrents for potential abusers within the authority arena.

I hope you will concur that abuse in systems and institutions is a very real problem in this country. Most have heard of the variety of abuses experienced by the brave and courageous souls disclosing their personal humiliation in public in order to stop these vile acts against others, mostly the vulnerable, the most recent one being that solid institute of Canadian pride, the Maple Leaf Gardens.

I am the co-facilitator of Survivors of Medical Abuse. As a counsellor-therapist and self-esteem trainer, I bring a

varied background of study to our group's position on this bill today.

Firstly, maybe we missed something, but we find that the title of this bill is misleading, in that police can decide that prostitution may be, or is, taking place, even if a child may not be engaged in such acts.

We appreciate that there are those concerned with our young women/children prostituting themselves. But attempting to solve the problem with this bill is a gross misconception of the deeper, real problems. We know these children/women, femmes, engage in prostitution for a variety of reasons, not the least of which is poverty.

We give a loud, clear message to women when society pays the lowest wage for the most important work: child care. Why would a woman do this kind of work when she can be paid substantially more, in some cases up to \$10,000 a week, for doing substantially less in body prostitution? When a femme has been incested, raped or molested, because there still aren't the deterrents in place to abolish these kinds of assaults, it makes it even easier for a young person to sell her body, because she's dissociated in the relationship with her body.

It's worth noting that, historically, society thought it was quite proper for young women to marry at age 14. Yet today we oppose our femmes engaging in paid sexuality, on one hand, while we revere and exploit their bodies on the other. Prostitution inside or outside marriage is just that. However, outside marriage, at least in theory, a femme has her own money and her own life; that is, unless men are insidiously taking the money from her in forms of pimping and forced drug dependency etc. Whatever happens to these people anyway?

We see this bill as simply a political and religious issue disguising itself as care for our youth. Let me ask: Why are the victims still being attacked, the most defenceless, least privileged among us? Why are these young women targeted instead of the men who use their services? Attempting to control femme sexuality without acknowledging male involvement deflects male responsibility, while further assaulting women. Blaming women for their bodies while not making men accountable is hypocritical, especially when society supports that a woman's worth is directly linked to her sexual appeal.

If we had a proper society, much like the Scandinavian countries, women would not only be safe, they would be respected and equal. Put strong deterrents in place for the users of the trade. Don't further victimize the victims, especially with a bill that has potential for further abuse.

Arresting and labelling won't do anything except tag and penalize these poor young femmes for life. Historically, arrests encourage higher-risk behaviour because, among other things, police and courts don't protect; in most cases, they punish.

More importantly, how will it be determined that a young femme is engaged in prostitution anyway? Police will decide based on perception. Ladies and gentlemen, surely you realize perception is highly subjective.

1540

My daughter, who is 25 and can pass for 15, is epileptic and on massive drugs. She could be mistaken for a teenager on drugs and labelled, by who knows what kind of justification, as a prostitute. Why not arrest the men involved in any kind of solicitation, not the women? After all, it's the man who can afford to pay for the services. The femme usually needs the money or she wouldn't be soliciting in the first place.

Arresting for suspicious behaviour rather than action is extremely dangerous and can lead to horrendous injustices, errors, overuse of the courts and, more importantly, the misuse of power.

Where are the provisions built in and guaranteed that the police or workers are ethical, compassionate, skilled or educated enough to deal with this kind of brutality, beating up on femme victims while leaving their perpetrators alone? The real criminals rarely get dealt with, let alone punished.

How can the police make judgements and be supportive at the same time? The recently publicized Jane Doe case certainly speaks volumes about the lack on the part of police departments. It has been documented that it's not beyond some police to take advantage of prostitutes. Let me clarify here that this is not an attack on police in general, but we cannot ignore the offenders among them.

Further, what are the criteria for designated safe houses, and who will the people running them be? We've heard countless testimonials and it's on public record that no institution is unfettered from abusing those it is in place to serve. The children's aid and the social services industry, to name but two, are top of the list of governmental agencies documented that have committed horrendous, irresponsible acts in the name of service. Where is the accountability there?

Further still, what if I were to try to protect my daughter from an unethical arrest due only to suspicion? Under the bill, I could be fined and imprisoned. Meanwhile, where are the men in all of this?

The labelling and criminalizing of what may appear as, yet may not be, prostitution is deflecting the real issue of child poverty and all of its ugliness. Poverty, not prostitution, is the real crime.

As an instructor in the fashion industry and trainer of self-esteem, I have personally witnessed countless young women trying to gain self-worth by being the perfect body or face. Most of these young women dream of becoming a fashion model, all in the need to be loved, which of course increases self-esteem. This is yet again society's imposition that women's worth is directly linked to their sexual appeal. Unfortunately, not all young women have solid

mentors or family who properly guide and educate them around these issues.

Why would so many women feel inadequate? Again, because society tells them, through advertising, the Internet, films, magazines, TV, billboards, commercials etc that their worth is directly attributable to their sexual appeal. How can self-esteem prevail with our girls when they are inundated with the idea that pornography, soft porn, erotica and even Fashion Television underscores and reveres sex appeal as a woman's most important asset?

Society's and the fashion industry's more recent obsession with the waif and heroine look of 12-year-olds is appalling. It's insidiously disguising itself as fashion, where bare-breasted and buttocked young things parade their bodies down the catwalks of Paris, New York and Japan, scantily covered in so-called fashionwear. This fashionwear is accepted and even revered by the world. It is no wonder that Fashion Television is legitimized and is the number one show where men are incarcerated and fed this kind of acceptable visual pornography.

Pornography and the acceptance of it is the real crime. Sex highs are an addiction whose appetite increases for younger victims and more sadistic rituals in order to satisfy the media-produced, unquenchable thirst for more and increasing sexual deviance.

The influence of new and increasing cultures who devalue women is also growing like a cancer. Some countries, for instance, are known for their lust of the little-girl or child-woman look. There are shops in some countries that sell little schoolgirls' used undergarments to a perverted male clientele. This is a sickness, and it is seeing its way to North America, and our girls will be the victims. Vancouver has child prostitution growing in leaps and bounds, and they also have a large influx of these offending cultural contempts for women.

Cliterectomies, female ownership, rape, incest, various forms of beatings and other assaults are growing in this country, ladies and gentlemen, once again because deterrents aren't in place.

If the culture is more important than the human rights of the femmes within the culture, then the culture should disappear and allow for a more humane way of living and honouring personkind.

Poverty and lack of education are also what should be addressed. Why aren't the funds being poured into these arenas? Our daughters', nieces', granddaughters' and neighbours' lives are at stake.

As adults, we are responsible to our youth to give them what they need to grow to their fullest potential, not to penalize them for being victims of our greed, sexual deviance or indifference to their well-being.

We hear that concerned parents of prostitutes have no power. What is it that sends these children to the street and then to drugs only to medicate the pain of the street? How is it that young boys aren't targeted and massively rehabilitated when they are found enticing these young women into prostitution?

This government has a responsibility to deal with the deeper crime of poverty, not attack forced vulnerables and dependants for trying to survive.

We beg you to stop Bill 18, for the sake of our femmes. Put the money into affordable homes, fairly paid jobs and education. Put effective deterrents in place for sex trade users and the media that create and feed their sexual hunger. Make men accountable for their acts of lust and perversion, not women for trying to survive their forced poverty. Doing anything less is not only criminal, it's shameful.

Once again I thank you for the opportunity to speak, and welcome any questions you may have.

The Chair: Thank you very much. We have about two and a half minutes per party. We begin with the NDP.

Mrs Marion Boyd (London Centre): Thank you very much for coming, Ms Danley. I know how concerned you are about coercion when it comes to people who are vulnerable.

I know you've been at some of the hearings and you know that it poses a real conundrum for a lot of us, who feel as strongly as you do about protecting the victims of those who would exploit them and who certainly define prostitution as child abuse — not self-abuse, child abuse. You know it's a problem to try and figure out how to make them safe.

I would agree with you that the root cause is certainly the whole issue of people being in a position where this is the only way they can make a living, so I don't disagree with you there. On the other hand, we certainly have heard of the difficulty of simply trying to do that, because it very often it involves coercion of another kind. For example, in the social assistance system there is coercion of another kind. I hope you understand that it's not a simple thing for any of us around this table to figure out how to do this.

Ms Danley: Oh, I do appreciate that.

Mrs Boyd: I take it that you understand that the purpose behind the bill and the discussions we've been having is to protect children.

Ms Danley: Yes, I do appreciate that.

Mrs Boyd: Do you believe there is no way the bill can be fixed?

Ms Danley: I think there are lots of ways it can be fixed.

Mrs Boyd: Could you suggest some?

Ms Danley: First of all, as I see it, there are a lot of loopholes. What are safe houses, decided by the minister? What is a safe house? Who's going to work in them? What are the criteria for the people working in these houses? This is my real concern, the possible or potential for abuse of workers on vulnerable people. The need to have a sensitivity and an experiential education is vital, I believe, far more than theoretical training.

Safety: If you're going to incarcerate or pull them away from harming themselves, boy, you'd better be really good at making it better for them someplace else. You're only going to add to the hurt, the resentment, the betrayal and everything else they feel, and in time they'll be back on the street again. It has to be rehabilitation that works, not that works on paper.

1550

Mr Jim Brown (Scarborough West): Good afternoon. You and I agree on a big item, and that's the

deterrence factor. These are kids. They come to the big city and their parents don't know where they are and the authorities can't tell the parents where they are. It's a big problem that causes a lot of heartache to the parents. They come to the big city and some adult gets hold of them and befriends them, maybe gives them drugs, and away we go, they're in the business.

I've been promoting seizing johns' cars, seizing the assets of the pimps, who oftentimes are drug dealers as well, and realizing those assets into money and plowing it back into some programs to help the kids. I don't know what else — I mean, it's a great attempt that Mr Bartolucci has made, but it's not going after deterrents. Can you give me your opinion on seizing johns' cars and attacking and taking the assets? What else can we do?

Ms Danley: I think we have to look at the judicial system, unfortunately, because it just doesn't work. It doesn't work at all. It takes up time, takes up money, and in the end people die off before there's any justice. That's what it feels like. We have to set the deterrents in law. I don't feel really comfortable with an eye for an eye and a tooth for a tooth. I think we've got to have just stronger jail sentences or, better than jail sentences, community work and public discussion. If people are caught doing this, make it public. Let the public know who these people are, for one thing.

Mr Jim Brown: What about taking their assets, to take away the profit motive of the business? They're doing it for money.

Ms Danley: Of course they are, and they're going to find another way to get around it. It might be a start, but I think we have to look at rehabilitation, long and arduous as that will probably be.

Mr Jim Brown: To rehabilitate the johns and the pimps?

Ms Danley: Exactly. I know. But when we've got people out there abusing in the sexual arena in a variety of different ways, what is causing them to do this? We have to look at it.

Mr Jim Brown: Pimps and johns are the people with the money.

Mr Rick Bartolucci (Sudbury): Thanks very much for your presentation, Ms Danley. I respect your opinion in your presentation. I have a few concerns and a couple of questions about your presentation, and maybe you can expand on them. I don't know how this bill can ever be deemed to be sexist. I'm certainly concerned about addressing the problem, both the female and the male side of child prostitution. I don't know exactly where you're coming from in not reading through the legislation.

Let's talk and let's follow up on a point Ms Boyd made, because it is a relevant point, I believe. I believe presenters should come here offering alternatives and suggestions, and because you mentioned the safe house, maybe we could follow up on that. I think it's an integral part of this bill, and I'd like your opinion and your definition of a safe house, because I see where it could form an important part of it. How would you, if you were the author of legislation, define a safe house, and who

would be the people you would put in the safe house to achieve the goals and the intent of the bill, which I think everybody in Ontario wants?

Ms Danley: Having been a recipient of the shelter system myself first-hand, I can tell you that what I find appalling in so much of the institutionalization is bureaucratic, administrative overload. Most of the time, the money and the resources are just going in administration. I would make sure that all the people involved were experientially educated, that is, having been there, done that. I do not agree with bureaucracy or theory or academia running something that's that important. I think we really have to look at the community of survivors; give them work, because they really can help. I think it should be absolutely, totally accountable not only to the government but to the public — open completely.

The Chair: Thank you very much, Ms Danley. We appreciate your very strong presentation and the views you've expressed here today.

STREETLIGHT SUPPORT SERVICES

The Chair: Our next presenter is StreetLight Support Services, Jeff Ramdowar and Amanda Chodura. Good afternoon. Thanks very much for being here. We appreciate the fact that you're here.

Mr Jeff Ramdowar: My name's Jeff Ramdowar. I've been working with StreetLight for the better part of two years now. In principle, I agree with this bill, one reason being that one of the duties in my job is going to the Metro West Detention Centre once a week and seeing some of the girls in custody there. The girls in custody range in age from 19, 21, 22, some of the ones we've seen, and most them got into the business when they were 16 and 17.

Some of the reasons they get into prostitution are low self-esteem, a situation at home, wanting basic needs, food and shelter; some reasons are jewellery, clothes, basically what they see on TV, what everybody else is wearing. They can't afford that by living at home in these small towns, so they come down to Toronto. The pimps take advantage of this and lure them with false promises. Love is one of the major things. These girls will come down and all they're looking for is somebody to love them for who they are, and this is one of the promises that's made to them, and of a better life, and suddenly they find themselves out on the street working for these guys, making anywhere from \$700 to \$1,000 a night and maybe only seeing \$10 to \$20 of that.

Like I said earlier, in principle I agree with the bill. There are a couple of things that I think should be looked at. After the apprehension, what happens then? Where do these girls go? A voluntary program, residential, staffed 24 hours a day by counsellors-social workers who have a basic knowledge of life on the street and prostitution in general is very important; having the girls team up with a peer who has possibly been in the program a bit longer to show them the ropes, what steps they have to take to get out. The program should be monitored to know what changes have to be made to it to change with the times,

like what's happening with prostitution and pimping in general, techniques, things that are said. It's all changing rapidly, so the program should change with what's happening out on the street.

Within the program, it should be easier for these girls, men and women, to get hooked up with welfare, health cards, social insurance cards. They shouldn't have to travel all around the city to obtain these things. If drugs are an issue, there should be drug programs offered, rehabilitation programs offered, retraining programs if they decide they want to go back to school or get into the workforce. It should be easier for them to get into mainstream jobs. It should be made easier, perhaps within the shelter system or at the safe house they live in.

Also, the board of education should offer programs. Sex education should touch on STDs, birth control, low self-esteem, and basically the lures of the street, what to ignore when you hear it when you're out there. When you come off the bus from, let's say, Sudbury and you're in the downtown core, you'll be hearing a lot of things. A lot of people will be coming up to you making false promises. So it's what to watch for and be aware of.

1600

I got a call at about 12:30 this morning from an officer who picked up a young girl, 18, who was beaten up. She recently gave the police a statement against her pimp. She was in the shelter system for a while. What happened there was that she ended up meeting up with a couple of girls who were in the shelter who used to work for the same guy. She was threatened there, so she left the shelter system to return to her own home. Last night at about 11:30 she was met outside her apartment by three girls who work for this gentleman and she was beaten up pretty bad. At this point, we're going to have to move her out of town.

The way the shelter system is now, it is not set up for men and women who engage in prostitution. As much as the shelter system tries to touch on it, it doesn't go into as much detail as it should. A lot of the shelters are right in the downtown core. As far as pimps go, we don't give them enough credit. We think, "OK, we get these girls into a shelter; they give a statement and that's the end of it." No. These guys will go through the blue book and call up as many shelters as they can to find out if this person is staying there. I've been in situations where pimps have actually planted girls or guys into shelters to find out if a certain person is staying there.

Policing child prostitution serves its purpose, as far as apprehension and prosecution of pimps and men who use the services of child prostitutes are concerned. I think social services have to play more of a role dealing with the issues: Why did they leave home? What happened to put them on that bus to Toronto and fall into the lures of a pimp? Why are they selling sex for money? And how do we help them put this part of their life behind them so they can move on?

The quicker you get somebody who's engaging in prostitution off the street the better. You've got a better chance of putting them back on that right path. But you

still have to look at a good year-and-a-half or two-year window of steady counselling support, ensuring that they don't go back out there.

Ms Amanda Chodura: We've been coming in contact with a lot of women who — they're tending to move them now. The pimps are very well organized. There are certain families who run the whole of Canada. They will move them from Calgary to Toronto for the purpose of isolating them.

With this bill, we can pick up the younger ones, make the connections, get them back home, whereas without it, they're lost in these cities. And they will move them again. They will let them work for six months to a year and then they will move them to Halifax. The whole idea is to keep them totally unattached from any social service workers they may come across, any kind of stability. It's really important that we counteract a very vicious group of manipulators with a very strict solution.

The Chair: We have about two and a half minutes per caucus. We'll begin with the Conservatives.

Mr Jim Brown: I've heard stories like what you related. I have met Cherry Kingsley, who was a childhood prostitute. She's now about 25. She survived. She's brilliant. She's told me of stories where some of her friends died of AIDS; they were murdered. It's very vicious.

What I'd like to do to the bad guys — I'm sure you might share some of my feelings. They're just basically kids and they're being manipulated and used by adults. You heard what I said to the previous speakers about seizing assets and taking cars. I'd like your comment on those things.

What else can we do? The Criminal Code is so wishy-washy. The federal government has said, "It's OK to have sex if you're 14 years old." It's applied to the males as well. There are male strolls in Toronto. So it's both sexes, and it's an epidemic.

What do we do to go after the guys who are making all the money in this? They're the guys who are making it work, either the johns or the pimps, who are oftentimes drug dealers.

Mr Ramdowar: As far as pimping goes, with the male strolls in Toronto, there's a different aspect to that; there are different reasons for getting into that. With the females, though, we have to disillusion people from even getting into pimping. It's even before that.

Mr Jim Brown: How do you get the pimps disillusioned without getting their attention?

Mr Ramdowar: That's a great idea, taking cars away. Clothes is a big thing. Believe it or not, these \$200, \$300 track suits — taking clothes that were bought from profits of procuring is a big step.

Mr Jim Brown: Some of these guys have got big cars and a credit card with a big limit. If we took that, what do you think? That would slow it down.

Mr Ramdowar: Yes, definitely, and it would show that — with this girl who was beaten up last night, these other girls who beat her up were paid to do it. Take the money away. What totally frustrates me is the justice

system. When you get a girl to sign on a guy who's pimping her and then 12 hours later he's out on bail —

Mr Jim Brown: Yes, that's right. The police will say that, that it's so wishy-washy that you can't go after them. That's what I'm saying. As opposed to relying on the Criminal Code, what if we went after all the things they own and gave a disincentive to being in the business? Good idea?

Mr Ramdowar: Definitely. It's a great idea.

Mr Bartolucci: I would like to thank you for a very excellent presentation. You offer some excellent recommendations, by the way, and I thank you for them. I'm sure the other members of the committee will be studying them carefully, as I will be.

I'd like to follow up on one. Maybe you can just expand on it a little because it caught my eye immediately. That's a program that would match a child with a compatible peer, and the peer's role would be to offer support while helping the child through the process of exiting the street. I think that is a fantastic idea, I really do. How can it work practically, given the situation we have?

Ms Chodura: StreetLight, where we both work, has a peer program. It's implemented from the start. A few of the people who work there are — I suppose you could call them peers in that they have been involved in prostitution before. What you get there is an understanding between the two. A lot of the women or children who work the streets do not trust anybody. With these people who have been through similar situations, they can strike up a rapport. You would literally, like we're doing now — we connect them.

Mr Bartolucci: And they're former teen prostitutes?

Ms Chodura: Teen prostitutes or they started prostitution in their teens. Maybe they're in their 20s and now they're trying to do something else. In some cases, it's getting their GED.

Mr Ramdowar: Fortunately, I personally have never had to engage in prostitution. I've got a good rapport with the girls and the young men, but at times it just shuts down. There's nothing more I can say; there's nothing more they want to say to me. Then I will offer it up. I'll say: "I've had girls who've gone through our program and other programs in the city. How would you feel about going for a coffee with them and talking to them, or going to a movie?" They're like: "They were involved in prostitution? OK, great." They just have a way of connecting that we as workers lose because we weren't out there.

1610

Mr Bartolucci: I know my time's up, but if you could, I'd really appreciate receiving a little further detail to your suggestion number 4 about your evaluative process. I think that's very important as well. Because we don't have the time, if within the next three weeks you find some time to put down what you consider to be a good evaluative tool and send it to me, I'd really appreciate it. Thanks very much and thanks for your presentation.

Mrs Boyd: Thank you. I really appreciate not only the presentation but the kind of work you do, because it is very important work, isn't it? I'm curious as to how many young people you would be seeing at StreetLight.

Mr Ramdowar: Within the last year, I've seen just over 200 people who have engaged in prostitution from a young age and have been doing it to date. Our clients range from anywhere from 14 right up to 53, 54.

Mrs Boyd: So you don't cut off at a particular age. You deal with the whole —

Mr Ramdowar: No, we've got to deal with the whole thing. Someone doesn't wake up one morning and say, "Look, this is my chosen life, this is what I want to do." I know there are a few people out there who would say that, but I don't particularly believe that myself.

Mrs Boyd: They really get hooked into it from one form or another. I'm really interested in your talking about needing to look at what the changing issues are, because they do change, not only over the space of decades, but whatever the incentive is changes, depending on the culture that's on the street at the time.

Mr Ramdowar: Pimps are not walking around with that old stereotype of the fur coats and the big cars any more. They're not. They start off by being your best friend, and the way they talk to the girls — street lingo changes.

Mrs Boyd: They're maybe even the love of their lives, right?

Mr Ramdowar: That's actually one of the biggest reasons, or ways, to get a girl, or a guy, to work for you. It's the promise of love.

Ms Chodura: And when they're younger, they're more vulnerable.

Mrs Boyd: And in many cases have come from backgrounds where that love has been lacking. Thank you very much.

The Chair: Thank you both very much for being here. In particular, on behalf of the committee I thank you for the work you're doing.

We now move to the next item on the agenda.

Mr Bartolucci: The next item on the agenda is clause-by-clause. There has been a request that clause-by-clause be delayed for three weeks to allow time for all the parties to draft the necessary amendments they feel would enhance or change the bill. I suggest that that three-week delay would be very important with regard to this issue, so I move a motion that clause-by-clause take place on October 26.

The Chair: A motion has been placed on the floor.

Mr Jim Brown: When should we have amendments in, a couple of days before that?

Mr Bartolucci: The Thursday before?

Mr Jim Brown: I think that's the 22nd, so have the amendments in by the 22nd?

Mrs Boyd: We've already submitted our amendments. I'm curious. I'm not at all objecting to this; I'm just wondering why we didn't make this decision last week.

The Chair: Mr Brown, would you answer this for the government? OK, Mr Bartolucci.

Mr Bartolucci: To be perfectly honest, we had a request from the government side; there was a period of time necessary to consult other ministries. When Mr Brown spoke to me, it certainly made sense to me. I would, as the author of the bill, like some time to evaluate some of the recommendations we've had. For example, today's recommendations are certainly ones that I would like to maybe build into the process, and that's going to require time. That's the only reason, Mrs Boyd.

Mrs Boyd: Thank you. I have no objection.

The Chair: Any further discussion? All in favour of the motion that clause-by-clause be delayed until October 26? The motion carries. We agree that the deadline for the amendments will be October 22? Any objection to that? I don't think we need a motion; I just think we can agree to that. That's agreeable.

Are there any other items?

Mr Jim Brown: I'd like to move to adjourn until the 26th.

The Chair: All right, all in favour of adjournment?

Mrs Boyd: I have a question about that. I understand there is at least one other matter that has been referred to this committee.

Clerk of the Committee (Ms Tonia Grannum): We have Bill 20, another private member's bill, and Bill 23 was just referred. We could arrange a subcommittee meeting to deal with how we're going to proceed with those two bills.

Mr Bill Murdoch (Grey-Owen Sound): Are they not both private members' bills?

The Chair: Yes, they are.

All in favour? We are adjourned. Thank you.

The committee adjourned at 1616.

ERRATA

No.	Page	Column	Line(s)	Should read:
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S-3	S-54	1	14	Ms Campbell: It's like Corrine Fewster being on the
S-4	S-81	2	47	Mrs Campanero: Yes, I agree with what you
S-4	S-81	2	55	Mrs Conny Barel: Yes, she was in touch with the police and



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Standing committee on social development

Protection of Children
Involved in Prostitution Act, 1998

Comité permanent des affaires sociales

Loi de 1998 sur la protection
des enfants qui se livrent
à la prostitution



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Monday 26 October 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES SOCIALES

Lundi 26 octobre 1998

*The committee met at 1533 in room 151.*PROTECTION OF CHILDREN
INVOLVED IN PROSTITUTION ACT, 1998LOI DE 1998 SUR LA PROTECTION
DES ENFANTS QUI SE LIVRENT
À LA PROSTITUTION

Consideration of Bill 18, An Act to protect Children involved in Prostitution / Projet de loi 18, Loi visant à protéger les enfants qui se livrent à la prostitution.

The Chair (Ms Annamarie Castrilli): Ladies and gentlemen, we're reconvening to consider clause-by-clause of Bill 18.

Mrs Marion Boyd (London Centre): In the package we have in front of us, there are two amendments that we had proposed that have been stated wrongly, on page 7 and page 18. They are listed as information for the committee, that we recommend voting against them. That was not what was to be done. We were to move the deletion of those sections.

The Chair: Could I ask you at the appropriate time to state that? Thanks very much, I appreciate it.

Very well. We'll start with the preamble. Any comments or questions?

Mrs Boyd: I move that clauses (c) and (d) to the preamble to the bill be struck out and the following substituted:

"(c) while the primary responsibility for protecting children lies with families and communities, it is the responsibility of the Minister of Community and Social Services, through the provision of appropriate legislation, to act on behalf of children when they are in need of protection because of involvement in prostitution or other forms of commercialized sexual abuse;

"(d) it is the duty of the province to assist families and communities in providing that protection through mandatory prevention programs designed to support children to resist sexual abuse and exploitation of any kind, including prostitution."

I understand very clearly what the member was wanting to do, to reinforce this act, that obviously the primary responsibility lies with families and communities. I don't think anyone disagrees with that. The whole purpose of the previous item, (b), that "children engaged in prostitution are victims of sexual abuse and require protection,"

means protection under the child protection legislation. The Minister of Community and Social Services is the minister who has been assigned responsibility for the protection of children. To basically say, on the one hand, that children who engage in prostitution require protection and then on the other hand to assign that responsibility only to families and communities is a conflict within the bill. The whole purpose of this bill is to bring these children under the protection of the province when they are in need of protection. I believe very strongly that while we want to maintain the clear notion that the primary responsibility is that of families and communities, and no one disputes that, when in fact children are in need of protection because of child prostitution, then the minister who has been assigned responsibility for child protection becomes the one who is responsible for ensuring that they get that protection.

In section (d) it is quite clear that I agree with the member that, "it is the duty of the province to assist...in providing that protection." But how? In a preamble one of the things you try to do is give some guidance as to what the intention would be. I believe that providing that protection through prevention programs that are required to be there and that are designed to support children is the obvious way to provide that kind of protection. It really makes it very clear that the province does have some responsibilities around child protection from this particular issue.

Mr Rick Bartolucci (Sudbury): Mrs Boyd's comments are certainly valid, but I think it's all in interpretation. I suggest that the preamble of the bill is the foreshadowing of what is to come in the bill, and I would suggest that this is issue-specific. The amendments may very well fit the mould of the Child and Family Services Act when you say, "resist sexual abuse and exploitation of any kind, including prostitution." I guess that's what I have a little bit of concern with. We're talking about a very specific form of sexual abuse and sexual exploitation. The bill is about prostitution, and that's why I would suggest that our intention is the same; I think it's the wording that we're having difficulty with. I make no apologies for the bill being very issue-specific. That's the whole intent, that's why it's called An Act to protect Children involved in Prostitution.

Mr Frank Klees (York-Mackenzie): I don't disagree with the fact that specific initiatives should be outlined in terms of what we expect the province to do. But I think Mr

Bartolucci has covered that off in clause (e), because what he states very clearly is that legislation is required to ensure the safety of these children, and then he goes on in the rest of the bill to articulate what specific things should be done. Again, I understand the intent of this amendment, but I do think that the preamble as it sits now covers off all of those general references.

Mrs Boyd: I would certainly be willing to entertain a friendly amendment to my suggested amendment to (d) to make that more specific to prostitution if that would assist Mr Bartolucci in supporting these amendments.

Mr Bartolucci: I don't know that it's necessary. I guess that's the problem I have with it. I don't think it's necessary, and so if the amendment isn't necessary, a friendly amendment isn't necessary as well.

1540

Mrs Boyd: That interests me, because in fact we heard many of the speakers who came before the committee saying that there needed to be mandatory programs, that programming was an essential part of this. The member from Sudbury agreed with them and indicated that he also believed that programming was necessary. Therefore, I suggest that it would strengthen the intent and the actual effectiveness of the bill to specify in (d) that "assist families and communities" means that the province is agreeing to provide programming.

The Chair: Mrs Boyd, why don't you put the amendment to the amendment that you want on the floor, and we'll deal with it.

Mrs Boyd: I don't believe it needs to be amended. I understood from his initial speech that the member from Sudbury would have supported it had it been prostitution-specific. If he felt that, I would regard that as a friendly amendment. While I could accept his amendment, since it is his bill and his concern was that it wasn't prostitution-specific, I myself think we need to have these kinds of mandatory programs for all forms of sexual abuse.

The Chair: I don't hear Mr Bartolucci making a friendly amendment, so I'm assuming that we're going to vote — Mr Brown?

Mr Jim Brown (Scarborough West): I would just like to add a couple of comments. I think Mr Bartolucci's bill is issue-specific and should stand as issue-specific. I think it's fine as it stands.

The Chair: All in favour of the amendment? Opposed? The amendment is defeated.

We now turn to section 1.

Mrs Boyd: I move that the definition of "protective safe house" in subsection 1(1) of the bill be struck out and the following substituted:

"place of safety" means a place of safety as defined under the Child and Family Services Act that is prescribed by regulation under this act."

Mr Bartolucci: I believe that the "protective safe house" is key component to reaching our common goals with regard to this bill, and I would suggest that changing it to "place of safety" would require that throughout the legislation, and there would have to be some redefining. That's why in my motion, which is found on page 14, I

tried to zero in more closely, "that every protective safe house is operated so as to provide each child who is confined there under this act with the protection and security that are necessary to that child and with programs that are suitable to the child's needs."

There is no question that we heard there had to be some clarification with regard to what happens at a protective safe house and what a protective safe house is in fact, that it's not a prison or a jail. We've tried to do that.

I suggest that with "a place of safety," if this Liberal motion on page 14 is adopted, we've taken care of that, so I don't see any need to remove "protective safe house" from the legislation.

Mrs Boyd: The reason for doing so is that, again, speaker after speaker came forward and said that it is by no means clear who or what would constitute this protective safe house. It was very clear, particularly if we come along to where the regulation-making power is, that it is not a regulated protective safe house; this is any place that the minister may designate under section 11. The minister may designate any place as a protective safe house.

The whole issue, for those who came in front of us, was that if we are going to take the very serious position that children who do engage in prostitution are not criminals but are victims, and that they need to be in a protective safe house, then we need to know very clearly what that means. Frankly, if we define it as it is defined under the Child and Family Services Act, if we maintain the language of "protective safe house" but at least ensure by regulation that people will know what the requirements are, that may make it possible to reassure those who, clearly when they came and spoke to us, were very worried about what it would actually mean to have any number of places designated this way without any kind of regulation around the qualifications.

I'm very pleased with the Liberal motion to amend section 11, adding the duty of the minister. I think that's very good, and I'm certainly prepared to assure the member from Sudbury that I would support that, but I think it's an added protection. We heard from many people that they wanted the added protection of ensuring that these could only be designated as they are in the Child and Family Services Act.

The Chair: All in favour of the amendment? Opposed? The amendment is defeated.

Is that the end of section 1? OK. Shall section 1 of the bill carry? Section 1 is carried.

We move to section 2.

Mr Bartolucci: I think we heard from everyone, including those members who sat on the committee at different cities, that there were concerns that the child would be returned to an environment that wasn't safe. We don't ever want to put a child back with parents who cannot protect the child, and that's simply what this amendment states.

The Chair: Any comments?

Mrs Boyd: I wonder if Mr Bartolucci could read out how the section would actually read with his amendment.

Mr Bartolucci: If a judge believes there are reasonable and probable grounds —

The Chair: Could I ask you to read the entire amendment into the record.

Mr Bartolucci: I move that subclause 2(2)(b)(i) of the bill be amended by adding “if in the opinion of the judge that parent or adult is capable of providing a safe, secure environment to the child” at the end.

The subclause would read, “return the child to the child’s parent or to an adult if in the opinion of the judge that parent or adult is capable of providing a safe, secure environment to the child.”

Mrs Boyd: Then, as a friendly amendment to the amendment, the amendment actually should read that you move deletion after “who in the opinion of the,” so after “the” you mean “judge that parent or adult is capable of providing a safe, secure environment to the child,” do you not?

Mr Bartolucci: Yes.

Mrs Boyd: Thank you.

The Chair: Your amendment to the amendment is what, Mrs Boyd?

Mrs Boyd: Section 2(2)(b)(i) would then read, “return the child to the child’s parent or to an adult who in the opinion of the judge that parent or adult is capable of providing a safe, secure environment to the child.”

The Chair: Is that clear?

1550

Mr Klees: I have a question here. This puts a very different view on this part of the bill, totally, because you’re really now substituting “judge” for “police officer” and you’re into a very different process. I’d like to get clarification from Mr Bartolucci on how he sees this working practically. What happens on the street here? Do you envision that there is an additional process? Who comes before the judge after some period of time to make this representation?

Mr Bartolucci: What we’re trying to do is ensure that the child doesn’t go back to a place where that child is at risk. I think that’s a concern we heard from a variety of people: “Return the child to the child’s parent or to an adult who in the opinion of the police officer is a responsible adult and who has care and control of the child.” Give me a second to think about it.

Mr Carl DeFaria (Mississauga East): There may be a problem, because you’re dealing with a warrant stage where often police officers can get it over the phone. It may be very difficult to have a judge arrive at an opinion as to who is capable or responsible to protect that child. So there is that problem. It’s not a hearing; it’s a warrant stage.

Mrs Boyd: What the mover of the amendment is trying to do is to meet the very clear objections that we heard again and again from people before the committee, that police officers shouldn’t be in the position of determining, in the process of carrying out a warrant, whether or not it is safe to return a child to a home, particularly given the overwhelming evidence we got that many children who engage in prostitution have come out of homes, or out of places where adults are caring for them, that are not safe.

Police officers in the process of apprehending a child who is being accused of engaging in prostitution have no means of knowing if the child is prepared to give the address of the parent or adult who’s in charge of them and whether or not that person is a fit parent. It’s going to be impossible for a police officer to even contact the children’s aid society to see whether the particular adult who’s supposed to be protecting them may even be on the child abuse registry. There may be charges pending against somebody. The police officer is not the person who should make that determination. Those determinations ought to be made with due process.

I certainly agree with Mr DeFaria that this is one of the fundamental problems with this bill. At the warrant stage, you’re asking a judge to give a warrant to a police officer, telling that police officer that it’s his or her discretion as to whether or not that child is going to be safe at home or in the care of an adult. While we quite appropriately give a good deal of discretion to police officers in carrying out their work, I think it would be an extremely unusual thing for us to do, in an act that purports to protect children, to put that kind of burden on a police officer when we know that the police officer, at the moment of serving that warrant is not going to have the kind of expert advice and help that the police officer needs.

I think of the liability — and I was a little surprised that there was no comment from the police personnel who appeared in front of the committee — that would be there for a police department if a police officer made a determination that a child who that police officer had apprehended was going to be safe and then that child was further harmed, further abused or, heaven forbid, killed, as is only too likely from the discussion we had of the kind of behaviour of pimps. It becomes a really serious problem. I would have thought police departments would be saying that they did not believe that was an appropriate risk for a police department to take, that it is not the job of the police to make that kind of determination. This is the job of the children’s aid society. It is not an appropriate task to give a police officer.

Mr Bartolucci: Let’s not act in haste, because Mrs Boyd makes a good point here. I’m looking at the NDP motion on the next page. Is it possible to incorporate your subsection 2(2) amendment into that, Mrs Boyd?

Mrs Boyd: I believe it is.

Mr Bartolucci: Then if it’s the committee’s wish, I would withdraw, because of what Mr Klees said. It makes an abundant amount of sense here. We may be unknowingly entering a field we do not want to enter. In wanting to protect the child, we may be opening up another problem for the bill. So I will withdraw this Liberal motion.

The Chair: Before you do that, we have to withdraw the amendment to the amendment first. Is that your pleasure, Mrs Boyd?

Mrs Boyd: I withdraw.

The Chair: Mr Bartolucci, you withdraw your amendment?

Mr Bartolucci: Yes.

The Chair: Very well. Then we’ll go to Mrs Boyd.

Mrs Boyd: I move that subsection 2(2) of the bill be struck out and the following substituted:

"Warrant

"(2) if a judge believes on reasonable and probable grounds that a person is a child and is in need of protection, the judge may issue a warrant,

"(a) authorizing the police officer to apprehend the child;

"(b) authorizing the police officer to deliver the child to the care of a child protection worker; and

"(c) if the judge is satisfied that the child may be found in a place or premises, authorizing the police officer to enter, by force if necessary, the place or premises to search for and apprehend the child and to deliver the child to the care of a child protection worker.

"Assessment

"(3) If a child is delivered to the care of a child protection worker under clause (2)(b) or (c), the child protection worker shall conduct a preliminary assessment to determine whether or not the child is in need of a protective safe house" — and I'm putting in "a protective safe house" since my former amendment was not accepted — "and may,

"(a) if it is determined that the child is in need of a protective safe house, convey the child to a protective safe house determined appropriate by the child protection worker;

"(b) if it is determined that the child is not in need of a protective safe house, return the child to the child's parent or to an adult who, in the opinion of the child protection worker, based on the assessment performed, is a responsible adult who has care and control of the child.

"Consent of child over 16

"(4) Despite clause (3)(b), a child who is 16 years of age or older shall not be returned to the child's parent or to a responsible adult unless the child consents to go. If the child refuses to consent, he or she shall be conveyed to a protective safe house determined appropriate by the child protection worker."

I wonder if it would be appropriate for me to go through just explaining what the changes are and what the effect is.

The Chair: Please do.

Mrs Boyd: Basically, under the warrant section, it removes the issue of the police officer making the determination. It means if the police officer gets a warrant to apprehend, that warrant requires the police officer to take the child before a child protection officer. And of course (c) then authorizes a judge if the child may be found in a premises where it's necessary for the police officers to exercise whatever force is necessary. It simply removes that issue of the police officer having to make the determination. The police officer gets a warrant that enables the police officer to take the child before a child protection officer.

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Under "assessment," if a child is delivered to a child protection officer, then that child protection worker shall conduct the preliminary assessment which will determine

whether or not the child can be returned to the home or whether the child is in need of a protective safe place.

Subsection 4, which is an addition, consent over age 16, is in response to the concerns of the privacy commissioner. The privacy commissioner was very clear that it was a real problem if we were trying to have a child returned when they are over the age of consent, and that there needed to be some mechanism in this bill where you could still maintain the ability — because we are changing the age to 18 — to take this child to a protective safe house, which is obviously something we all think would be an important support.

But if the child were refusing to go home, as they're entitled to do as an adult, then they would, as an alternative, be taken to the protective safe house. They wouldn't be let go; they would be returned to the protective safe house and they would be kept out of danger there.

Mr Jim Brown: I respect what the member is saying, but I believe that we're adding complexities here that we don't need to add. I go back to what Mr Bartolucci said in the beginning. If we want to be effective and efficient and look after the child quickly, I don't see anything wrong with what Mr Bartolucci has in his bill.

Mr Peter L. Preston (Brant-Haldimand): That's primarily what I was going to say.

Mr Jim Brown: If I may, we can get overencumbered by bureaucracy at the expense of children. I think too often we spend more time and money on bureaucracy and avoid looking at the client or the poor kid who's got a problem. It's not a problem with the bureaucracy, it's a problem with the kid. Let's look after the kids, not the bureaucracy.

Mrs Boyd: One of the realities is that you never protect anybody if you have a law that is set up and is going to fail if it's challenged in court. One of the things I'm trying to do here is to be really helpful to the intent of the member's bill.

We heard a lot of evidence in front of the committee that if we were going to succeed in changing that age to 18 under this bill — if it is not being changed under the Child and Family Services Act, if it's only being changed under this bill — then you have to be sure to protect that new change, because quite frankly a court challenge would probably be successful.

If you put in the provision in subsection 4, for example, you're acknowledging the rights of the child but still very clearly stating the necessity for the community to act in this way to protect the child. That's one issue.

I also believe, and I made the argument before, that as soon as you have police officers who are not trained to determine whether or not a home is a safe place — otherwise we wouldn't have child protection officers; the police would be doing all that work. Your bill will fail if you don't find some way to deal with this through the expertise that's necessary. A challenge might destroy all of the hopes that have been raised by this bill.

What I'm trying to do is to find a way that this could be a workable bill, that we can still move very decisively to

protect children who are in need of protection because of prostitution, but that we're protecting that action from court challenge by building in the safeguards that the court is going to find necessary to ensure that the child's rights aren't being violated.

Mr Bartolucci: We're at the point in this committee where you find my weakness. I've honestly devoted my life to making things happen for kids and not getting bogged down in words. I don't know who to ask here, because I'm not a lawyer and I don't have extensive experience such as being a minister involved in this. All I want to know is, do we have to make any changes to make sure that these kids are protected?

I hope there's not a challenge to the bill, because if there is and we lose, then the bill wasn't worth it anyway. I won't agree with it, but it wasn't worth it anyway. I still think it's worth it. What I want to know is that we at least have a piece of legislation that works and that protects kids. That's all I want. When we start getting involved in legalese, I have to admit I have a weakness here. So could somebody tell me, the way it's written, this amendment or part of this amendment or all of this amendment, are we protecting kids? That's all that's important to me.

The Chair: I'm not sure who can answer that question, Mr Bartolucci.

Mr Jim Brown: I have a basic problem here. I think I have an innate sense of common sense. I do know that in my experiences with lawyers in the AG, of which you were the former minister, I honestly believe sometimes they have rubber stamps that say "Unconstitutional" and they stamp everything.

You say that it will be challenged in court. Thank goodness we have the court. Let it be challenged in court. I've heard that so many times. It would paralyze you from doing anything. Here we've got kids at risk. Who cares if the AG's department has a rubber stamp that says "Unconstitutional"? Who cares? Let the court decide whether it's constitutional or unconstitutional. I think that common sense prevails. We've got kids at risk. I agree with Mr Bartolucci: Let's get on with it.

Mrs Boyd: First of all, I always regret it when a member of provincial Parliament makes a gratuitous attack on civil servants. I think the reality is, in a post-charter age — and we're now 15 years into this new experience for us — of dealing with this, there are many precedents. There's case law there that tells us what is going to be challenged and what is not.

We have to have a very clear belief that it's worth taking the risk of a challenge, to go ahead with legislation when we've had a clear message that it will be challenged. We heard that from Justice for Children and Youth, which is the legal clinic that's responsible for enforcing children's rights. We know there are ways in which this bill, in its entirety, could be challenged. There's no question about that. The change of age to 18, for example, is a risky thing. We've all agreed here. We all said, and many of the people who came in front of us said, that risk is worth it to try and get that protection up to age 18. But there are other risks that we can make sure aren't there in the bill in a very easy way.

If we are asking non-experts in child protection — and the police are not experts in child protection. That is not part of their task. Their requirement is to contact the children's aid. If a police officer is given a report of suspected child abuse, that police officer's first task, as it is for any professional, is to contact the children's aid society. A child protection officer then makes that determination and then, frankly, becomes responsible for the decisions that are made from that point on. If the child protection officer makes a determination that that child is safe to go home and that child ends up abused or dead, the child protection officer is the one who's responsible. It is not the police, who may carry this out under the warrant, but it is the child protection officer who takes that responsibility. That's the way we've set it up. It's very clear from the discussions that were held on the changes to the Child and Family Services Act that what people wanted was to ensure that there was accountability for those child protection workers, more accountability than ever before.

To be looking at a new regime under the Child and Family Services Act that makes more accountability for child protection officers, but then to say to police officers, who will be the first to tell you, "Yes, I want to rescue these kids from the streets, I want to get them out of prostitution" — the police officer will be the first one to tell you they don't have the time or the expertise or the resources, in the short period of time they have control of that child, to make a determination of whether they're being returned to a safe house. Quite frankly, I would think that anybody acting on behalf of a police department, of police services, would say: "No, we can't take this liability on. This is not our job, and we've been explicitly told it's not our job by other legislation in the province."

When you really look at that sort of thing, all I'm trying to do is come up with some way that this could actually work to protect kids without being so wide open that it's likely to fail.

1610

Mr Klees: I have another problem that I hope someone has an explanation for; I suppose perhaps the mover of the motion will comment. It relates to the consent of the child over 16. I understand why the consent clause is here. Clearly we have the CFSAs, which deals with children at different ages. My problem is that, on the one hand, we're asking for consent, requiring consent of a child over the age of 16 before being returned to the parent, but then we go on to say that if the child refuses to consent, he or she shall be "conveyed to a place of safety." That appears to me to be a conflict because if you require consent to be returned to the parent, why wouldn't you require consent to be referred to a safe house?

I think we have an underlying problem here in that a good portion of this bill, in fact most of the amendments that I'm faced with here, present the same problem, that we have a conflict with other acts, particularly the CFSAs. Speaking from a community and social services perspective, it's difficult for me to agree to an amendment that is

in conflict with other sections of legislation that we have in the province. What it highlights for us is the need to bring all of those pieces of legislation into conformity, and if nothing else comes out of this initiative of Mr Bartolucci, I would say that it would spur us all to address that very issue.

I'm left with a real problem. There's no doubt that I support wholeheartedly the intent of this bill. I don't believe there's anyone around the table who has a problem with it. What we're wrestling with here is the complexity of the various pieces of legislation that we have that are intertwined. We can spend a great deal of time here going through this bill and refining it. At the end of the day, however, we have a major problem because of the conflict with other pieces of legislation. I dare say that until that's dealt with, this goes nowhere. We know that from a practical perspective.

I don't want it to be interpreted that if I vote against this amendment or other amendments as we go through the next hour or so, it reflects on what I want as an intention for youth of Ontario. We as a committee are tied by other pieces of legislation as to how we deal with this.

Mr Preston: If the child refuses to consent, he or she should be conveyed to "a place of safety determined appropriate by the child protection worker." Who's going to say the kid wants to go with a child protection worker? Absolutely nothing and there's nothing to compel them, so now we're back at the police department, I believe — I would hope.

Mrs Boyd: You're quite right, that's where the problem comes in. That's what I say, that the age of 18, which we all agree would be a good thing here, is always going to be challengeable because of those other acts — exactly what Mr Klees suggested. If we are to decide that it is worth risking a challenge because we think it should be 18, then you try and protect yourself one way or the other. They're being compelled. There's no nice way to say this. Several of the people who came in front of us said, "You're saying you're decriminalizing child prostitution for the child prostitute, but in fact you're going to confine them in a protective safe house against their will." That's just the way it is, and that is the intent of this act. Let's be really clear.

If there is a parent available and the child is willing to go, if they're over age 16, or even if they're unwilling to go, if they're not, then the bill provides that you can take them to the parent, provided the parent is able to protect them. That's the dicey part of this legislation. It's very easy to say simplistically, "Hey, this is a bad, serious problem and we want to protect these kids, so let's just go out and scoop them up and put them in protective safe houses." We all recognize that there are some real problems with that.

I would echo what Mr Klees says. I have said all along that this bill ought not to be passed by this committee. Our recommendation to the Legislature should be that the very good work that this member has done, and it is wonderful work and it has opened the discussion to this whole issue in a way that hasn't happened before, and that's been very

valuable, but the recommendation should be to the Ministry of Community and Social Services, "How can you protect these children under the existing act? Will you consider the increase of age that's necessary in order to protect a large proportion of these young people?" and do it that way.

That's why you will see that I will vote consistently against every single section because, although I absolutely agree with the member, the reality is that this bill, as Mr Klees pointed out, can get passed with or without amendments by this committee but it will never see the light of day again because it conflicts with so much other legislation. We may leave here thinking that we've done something good, but we will have done nothing for those young people who are out there and who, in my very strong belief, are in need of protection.

Mr Preston: I have a terrible problem with these ages. A kid 12 years old can decide on medical help, taking medicine to keep them from being raging maniacs. They can decide not to because they are of an age where they can make their own decisions. Then we come along and say a person 16 years of age, or now we're going to make it 18 years of age, is still a child because they're not making the proper decisions. Where is the line? Where's the line? A kid 12 years old can axe-murder three people, then refuse to take treatment at the psychiatric hospital and walk out the damn door. The judge and jury or whatever can say he's crazy, he needs treatment. He can walk in the door, say, "I don't like this," and walk out again.

I'm faced with it — not now that I'm here, but I used to be faced with it daily. Now I'm faced with it Fridays, Saturdays and Sundays, kids who just refuse to take medicines that actually keep them sane. Without it, they're — whatever they are. Where's the line where you say, "OK, you're an adult, you make your own decisions," or, "You're still a child, we'll take care of you"? There's got to be one age, 13, 14, 15 or something. You can't have a disparity like 12 to 18, where if you're 18 years old or a day shy of 18 we've got to take care of you because you're a child who doesn't know what you're doing, but if you're over 12 you can make all your own decisions.

You're right about other legislation. I think this is some of the legislation that has to be checked here, has to be checked federally and some kind of line met where we decide that today you're a child, tomorrow you're not.

1620

Mr Bartolucci: There's no question that we're all fighting over — not fighting, because we're not. We're all concerned about the age. I'm a firm believer, having worked with kids for a long time, that 16-year-olds and 17-year-olds should be included. There's no doubt in my mind that they should be included. If the Child and Family Services Act was up to 18, then this —

Interjection: Wouldn't be necessary.

Mr Bartolucci: — stuff would stand on its own because it would be in harmony with other legislation. If we could form a premise here, the premise should be — and I'm trying to find a middle ground where we can move

on and try to get all of our goals, because I think they're all the same. If we go on the premise that at some point in time the Child and Family Services Act is going to be increased to include 16-year-olds and 17-year-olds, then this legislation is good. If no one ever takes the lead to get there, we will never get there.

We all have concerns about age. I'm a firm believer — when we were drafting this legislation, I talked to Mallory. Mallory was 17 when I spoke to her and she was a victim. There's no other way of putting it. She was a victim of non-action on the part of a whole lot of people in society, not only the children's aid society — I don't ever want to say that — but a number of people.

That's why I'm convinced that 16- and 17-year-olds should be included in here. If we're going out on a limb and we're taking a chance at this point in time that may not stand a court challenge, but if at some point in time the Child and Family Services Act does include 16-year-olds and 17-year-olds, and there is no problem, should we not take the bold step and include them and hope the rest of the legislation that is not appropriate in age be made appropriate in age? I'm trying to find out where there's a common ground, because we could be debating this forever and then nothing happens.

Mrs Boyd: I share the frustration that both the other members have been expressing. I know that this very difficult issue around consent is one that plagues every level of government all the time and certainly anybody who is trying to care for children. It is one of those ethical issues that we have to talk about. There are some people who don't believe there should be any special protection for children and others of us who believe those protections should be extended. I think probably all of us in this room have some real concern where it's protective of and it's not protective of kids. That's a really serious issue that's been raised.

The reality is that the only way we've had to deal with children who are engaged in prostitution is by criminalizing the behaviour. What the member is trying to do is decriminalize this behaviour but ensure that there's still some intervention to try and help these young people leave a lifestyle that's pretty destructive for them and certainly anti-social in any kind of sense we might have.

We can throw up our hands and say we won't pass the bill, or say we pass the bill knowing that it's going to be confined to the netherworld forever because it's unworkable, or we can try and work to change the bill to make it at least something that we can all defend and believe is a statement around the need to expand that protection for children.

Mr Preston: How would you feel, Rick, if this whole thing was scrapped with a view to a subcommittee visiting all the problems and another one with all the problems visited?

Mr Bartolucci: Peter, I wouldn't be too happy and let me tell you why. There is absolutely no question that at the very beginning we had a road to choose. It could have been the road to making an amendment to the Child and Family Services Act, not knowing what the government's

intention is with that act, or to be very issue-specific. I chose at that time to be issue-specific. Did I know that somewhere along the line there was going to be a conflict, that the road was going to meet and there might be a collision? I assumed that at some point along the line this would come up. I hoped that down the road it might resolve itself with the change of age in the Child and Family Services Act.

I don't know that we want to scrap this. I think this is —

Mr Preston: Well, "scrap" means — you know what I'm saying.

Mr Bartolucci: I know what you're saying. I think this may be a fruitful exercise to go through, and if at the end of the day, when we're all finished with this and this act has gone through the clause-by-clause and we have an act here that is in harmony with a revised Child and Family Services Act, then at that point in time we might want to say there is no need for two; they can be rolled into one. I would suggest that at that point in time we do that or we meet to discuss that.

I've said many times in Hansard that I don't care where this ends up and I don't care who takes credit for it. I don't care where it finally happens, as long as it happens. What I'm suggesting is that we go through this and, if it's bold, take a chance with the court challenge. It may resolve itself anyway at the end of the day with amendments to the Child and Family Services Act and at the end of the day it may come together anyway. What we've had is an exercise where — I'm reading a motion that I just got from the government that I like. I think it should be included somewhere in this. I wouldn't want to scrap it at this point in time. We may have to join them some along the way, as Ms Boyd said, and if that's the case, as long as when we're finished kids are better protected than they are now, then you what know? We're all winners, especially the kids.

Mr Preston: You're right, absolutely. I really didn't mean "scrap."

Mr Bartolucci: I know what you're saying.

Mr Preston: On the back burner until some kind of a committee can pull all these loose ends together. That was just a suggestion off the top of my head.

Mr Jim Brown: Mr Preston, it seems like the three and a half years that I've been here is more like 20. I know how if things don't get going —

Mr Preston: Oh, I know.

Mr Jim Brown: I agree with Mr Bartolucci. I've always viewed this as a single issue, not necessarily tied to the CFSA. I believe Mr Bartolucci looked at other jurisdictions in compiling this bill. I did too. For example, Bill 1 in Alberta got passed. I think that you have looked at that very carefully and in many respects you've brought that to Ontario. That bill received royal assent, as a matter of fact.

I share your concern. There are lots of kids out there that we've got to protect, and we've got to do it now. I think we've got to worry about our children.

Mrs Boyd: I'm curious. If indeed this bill, in whatever form it finally takes, passes, are we hearing that the government is guaranteeing to bring it forward for third reading?

Mr Jim Brown: I beg your pardon?

Mrs Boyd: Are we guaranteeing that if this committee passes this bill with whatever changes and whatever amendments, the government is going to bring this forward for third reading?

Mr Jim Brown: I don't think anybody on this panel is a House leader or has any clout over what the House leaders do. I urge you in you capacity to urge your House leader to try and bring it forward.

Mrs Boyd: Depending on the form it takes, that may or may not be possible. As I indicated, I don't believe this bill will stand and I don't believe a minister of the crown will allow this bill to be brought forward, given the inherent conflicts it has. It's my belief that we need to be very responsible here. The member is suggesting that we should go ahead so that this can get into place and we can start protecting kids. The reality is that even if this committee passes this bill, because of the inherent contradictions in it, it isn't going to be put into effect. Mr Klees talked about how serious those conflicts are.

I guess my question is similar to yours, Mr Preston. Should we be adjourning this committee at this point and seeing if there is some way to bring these things out of the conflictual position they're in? I hear Mr Bartolucci, as mover of the bill, saying no, he doesn't wish to do that. I always worry about raising people's expectations at this stage of something if indeed we've got a pretty clear indication that the government won't bring it forward for third reading, and with very good reason. I support that decision — with great regret, but I do support it. I think the inherent contradictions are so great that it can't go forward.

I'm not sure that it helps anybody, and certainly not those young people out there on the street, if we pass this bill and the news is that we're going to protect young people engaged in prostitution when that is not going to be the result.

1630

Mr Jim Brown: I'd like to suggest that the Alberta Legislature treated this as a single-issue item and it received royal assent. I'm not indicating to you if it fits into the legislative calendar or not — who knows? — but I do indicate to you that there is precedent for a bill that's almost identical to Mr Bartolucci's going the full distance. I think it's very admirable of Mr Bartolucci to bring it forward.

Mrs Boyd: I agree that it is very admirable of Mr Bartolucci to bring it forward. I think all of us agree with that. The discussion that we've had has really got a lot of people thinking about the need to be more protective of these young people. I don't think there's any question about that. He's very much to be congratulated about that.

There is a difference. This is a private member's bill; this is not a government bill. The bill in Alberta was a government bill, and the government, understanding that it

was going to cost some money to make that bill work, made it a government bill.

We've got a real problem here. Basically, this should have been declared out of order, but we're all glad that it was here. Just leaving it at that, we know there is money involved in making this bill work. There always is. Protective safe houses are going to cost money. We all know that and I think all of us around this table are committed to that as being worthwhile.

The second thing is that we have to remember Bill 1 in Alberta has not yet been put into effect. Yes, it has been given royal assent, but the actual enforcement of that law, we heard here, has been delayed until January 1, 1999, so we don't know how it will work. It was delayed because of the complexity of trying to make it work.

While I quite see that you would like to see this bill there somewhere on the books, the reality is that there are really very serious problems with it. It is not a government bill. When you have a government bill, sometimes they don't come forward for third reading, but for sure if you have a private member's bill, there is even less chance that it's going to come forward for third reading if there are really serious problems with it.

Mr Klees: I think we as a committee have a responsibility to Mr Bartolucci's bill to ensure that it's dealt with adequately and receives thorough consideration. I think we also have a responsibility to deal practically with matters before this committee and understanding what the hurdles are that would keep it perhaps from going to that third reading. That is in no way an indictment of the intent of this committee or how we all feel about what should happen around this protection issue.

What I also want to do is make sure that we give respect to the time that the witnesses to this committee put into their presentations. A great deal of thought, a great deal of effort went into those submissions to this committee, all of which are very helpful to the committee and will be very helpful to the government as we move forward on this.

I appreciate Mr Brown's position, never having been hamstrung by the legislative process or whatever has been done before, and I think everyone understands that. What we want to do here is to say, how do we move from this stage forward? Whether we spend another two hours or three hours or four hours discussing these various amendments, the reality is it's not going to change where this goes. I don't want Mr Bartolucci to be shortchanged either from the standpoint of being recognized for, first of all, his diligence in preparing this bill and his courage for bringing it forward. We should be sure that Mr Bartolucci gets every consideration and all of the respect for having done this.

I'd hate to have this bill end up somewhere on a shelf without impacting what happens in the future. But I don't think Mr Bartolucci is concerned for bringing this bill through all of the steps and perhaps the agonizing number of hours that it would take all of us here to deal with the sundry amendments that we have.

My recommendation is not to scrap the bill but for us to recognize the good work that has been done and go forward to the Legislature with a strong recommendation, hopefully a unanimous recommendation, from this committee that this issue be dealt with by the ministries that this bill affects and this issue affects, in a co-operative way, and to urge the government, perhaps under the leadership of Mr Brown, in co-operation with Mr Bartolucci, to bring something forward that we can then consider in the context of all the other legislation that's in place. That would be my recommendation and I think any amount of time that members of this committee would spend would be much better focused in the next step rather than in the process that we're involved in here.

Mr Jim Brown: Very well said, Frank. You're so much more eloquent than I. I don't think I would want to waste the time of the Legislature in debating and in voting to pass at second reading and to put it into committee. I cherish the comments; I welcomed the comments. There were very valid and terrific comments by all of the people who made deputations. We travelled around Ontario. We spent a fair bit of taxpayers' money. The input was excellent and well worth the expenditure of time and money. To say that now we would adjourn and not go forward with this, I think that's awful. We have heard from many interested parties. They've taken great pains and time and trouble to make their deputations. We've got children at risk and we must push on.

You made a suggestion it was a money bill. I don't think Mr Bartolucci really thought this was a money bill, I don't think the Legislature thought this was a money bill and I don't think it's a money bill. So when you say it's a money bill, let's rule out it of order, I think only you would want to spend money on this.

The Acting Chair: I just would like to remind members of the committee that we are dealing with Mrs Boyd's motion to amend subsection 2(2).

Mr Preston: None of the aforementioned deputations, work we've done, question we've asked — especially the work done by Mr Bartolucci — none of that is wasted. That's all here, that's all done, there's no question about that; valuable deputations, no question.

What we're saying is that we're going to go through this exercise and it's going to come to naught, especially everything that's been brought forward. I used an unfortunate terms in saying "scrap." Let's say we'll make an end run around the problem by saying: "All right, let's put this down for a minute. Let's go out and get the problems that are out there brought to bear." Then Mr Bartolucci can bring his bill back or the government can bring a bill back or, as Rick says, it doesn't matter who the heck brings the bill back, as long as we protect kids. In its present form, this won't protect one child, because it's not going to see the light of day.

That's not because it's a bad government; it's because we've got lawyers who say it is a money bill, because we're going to have to spend money trying to enforce this and then spend money trying to protect it in court. But if we take a step back and start to see the forest without the

trees in the way, maybe we can take a little diversion and do, not to denigrate your work, but do it right, do it in a form that will get put out on the street and worked on. That was my suggestion when I used the unfortunate term "scraped." Let's say "a detour" here.

Mrs Boyd: It's very difficult to bring forward a private member's bill that doesn't entail the expenditure of dollars. There's no question about that. If we were, for example, just to look at the cost of setting up protective safe houses, we know, because we know the numbers that people were talking about in the deputations, that in order to have those facilities available that costs money. It costs money to go before a judge and get a warrant. It costs money for a police officer to serve that warrant. We all know that. When I say it shouldn't have come forward, I think the government was extremely generous in not saying it was out of order, but really showing good faith in terms of their concern about this issue in saying it should come forward for discussion.

If we were, for example, to add the costs that are entailed in the government motion around the seizure of vehicles and that sort of thing, which met with very good response from the people who came for deputations, that costs money. I know, because we actually priced what the storage costs would be for seizing vehicles, and it's quite an extensive cost. There's no question about that. Is it worth it? I think there are lots of people who think it is worth it. But there is cost. So let's not quibble about whether it costs governments money to do good things. It does, and that's a reality.

I'm quite prepared, from our party's point of view, to go through all these amendments and discuss them, and either pass them or not pass them, pass the bill or not pass the bill, if anybody thinks that's going to actually add to the debate and add to the protection of children. I don't have any problem with that. We're not time-allocated here, so we have time to thoroughly discuss some of the issues that have arisen. If that would further the debate, I'm delighted to go ahead with that. My suggestion wasn't to try and close down debate; it was to try and find some way that we can move forward in a constructive way.

Mr Preston: We all agree; it's not just your point.

Mr Jim Brown: To my colleague from London, I certainly hope you're not just trying to torpedo everything that we've done up to now, because I think what we've done up to now has been excellent work. You seem to say that we should scrap it and adjourn.

Mr Preston: That was my comment.

Mr Jim Brown: There was a little bit of prompting before Mr Preston said it.

Madam Chair, I'd just like to, if I could, ask if we could have a five-minute recess.

The Chair: I think a five-minute recess sounds in order, given the fact that we've spent a great deal of time on this motion, so I'm inclined to grant it. Five minutes.

The committee recessed from 1644 to 1649.

The Chair: Mr Preston.

Mr Preston: Rather than have this bill voted down or withdrawn or whatever, I think you've had an excellent

suggestion. Everybody withdraws their amendments, we pass the bill and put it through. That, in your opinion, would be akin to stopping it now and working on it, roughly?

Mrs Boyd: I can't vote for it, but if that's what you decide to do.

Mr Preston: Would you withdraw all of your amendments?

Mrs Boyd: No.

Mr Preston: I just thought the faster we got it settled, the faster we could set up some kind of mechanism for working on —

The Chair: Mr Preston, Mrs Boyd has indicated she won't withdraw her amendments. Of course, it doesn't stop you from not discussing her amendments.

Mr Bartolucci: Just a couple of things: The last thing I want to do is withdraw this. I have to be perfectly honest with you, because I think we firmly believe that we're accomplishing some good here. I'm a minority. At the end of the day, if it's voted to be withdrawn, it's withdrawn. I'll respect the decision of the committee.

I believe that this bill will help with future legislation, as is. I believe that. If I didn't believe it, I would say let's stop the process, let's scrap it right now, let's go home and let's make a lot wiser use of our time.

This isn't a money bill. I want that to be set clearly in the record. If in fact this is a money bill, there has to be somewhere in the act where we're suggesting the imposition of taxes or the imposition of costs. Will there be costs associated with it? Yes, but I believe that's proper and fitting in a private member's bill. It's not a money bill. Is the conflict so profound that this bill is of no value at the end of the day because it conflicts with the Child and Family Services Act? No. I believe it can be the lead for the Child and Family Services Act amendments. I would suggest, because of that, it's a good piece of legislation.

Finally, whether or not it comes to the government, no matter how perfect this could be, it will never ever be the duty of the opposition to be able to call a bill for third reading. That's clearly and solely at the discretion of the government. That's one of the roles of government, deciding what type of legislation is going to go forward.

For all of those reasons, I believe that this bill is well positioned, well intentioned and I would hope that it has — I was clear on this before I came in today — an influence on other legislation. If it means that it speeds up or alters the process or in fact enhances the process, all of which are good, let's do it.

I'm prepared to withdraw my amendments to this to speed up the process, because I believe they're defined somewhere in this anyway. I'll take some of the Liberal amendments out; there are not many. I'll take them all out, in fact. But that doesn't mean the bill is being weakened. I simply think that the bill gets to the stage where we may want to be at the end of the road we're going down anyway. Will it come in the next day, in two days, two months, two weeks or who knows? Nobody can answer that except the government.

But I do know something: If we shelve it and scrap it — not scrap it; let's not use that — if we decide to put it to the side, I believe we take a bit of the focus off. I don't think anybody's intention is to do that. I'm willing to withdraw my amendments, but I've got to be honest. I like the government's amendment because that's something else that we've heard so much of. I guess we're caught in a bit of a quandary here. A way of solving the problem would be to scrap the amendments and let it go and let it act as an influencing legislation piece, but I don't know that that's going to happen. Anyway, that's my intention.

I'm not in favour of scrapping it. I have to be honest. I'm not in favour of shelving it and not having the dialogue or suggesting that this is not a good piece of legislation. Are there problems? Yes. Will there be the opportunity to solve the problems at the end of the day? Possibly. We speak in unknowns, but this is what legislation is all about anyway.

The Chair: Just as a matter of procedure here, we only have one amendment on the floor at the moment. That's Mrs Boyd's amendment to subsections 2(2), (3) and (4). There is nothing to withdraw except that one amendment. If members want to not move those amendments, that's perfectly in order. If members want to read in their amendments on the record and then withdraw them, that's also perfectly in order. But there is only one amendment on the floor right now that we need to deal with. Before I get to that amendment — and I'd like you to stick to that amendment first, if you don't mind. I'd like to dispose of that, then move on. Prior to the break, we had two people who hadn't spoken. I'm going to give them a chance to speak to that amendment now if they still want it, and then we'll proceed with the regular course. Mr Brown, did you want to speak to the amendment?

Mr Jim Brown: Not in the specificity that you just laid on me.

The Chair: That's fine. Then we'll move on to Mr Klees. Do you wish to speak to the amendment?

Mr Klees: Sure, I'll speak to the amendment.

The Chair: To the amendment, Mr Klees. Thank you.

Mr Klees: Actually I'm prepared to support this amendment, because it captures some elements that were missed in the original drafting. I favour the wording of this amendment, and if I could go beyond that, although it's still related, my suggestion would be that we pass this amendment, that we not deal with the others, that we send the bill on to the House and send a very strong signal that this committee feels very strongly about this issue, with one other exception that Mr Bartolucci indicated that he likes the government amendment, and so we may, as one other act, pass the government amendment to add that very important aspect to it, because you're right, I think all of the people who came who were asked to comment on that thought that would be an important deterrent. That's my recommendation, and I think that could get us out of here within the next 15 minutes if we did that.

The Chair: Of course none of us is really looking at the clock, because we're so focused on the task ahead. I want to remind members that we're talking about this

amendment and we need to dispose of this amendment first before we move on.

Mrs Boyd: I certainly hope this amendment is passed. I will certainly make a commitment not to speak to my amendments, but I want them read into the record. But I would make a commitment not to speak to my further amendments if that would make things move more smoothly. I do believe we should read them into the record, we should have a vote on them and then the bill has integrity when it goes forward, if that's what the government is planning to do.

The Chair: Any further discussion on this amendment? All in favour of the amendment? Against? The amendment is carried.

There's one other item of business with respect to this section. Shall section 2, as amended, carry? All in favour of that motion? Opposed? Carried.

We can proceed to section 3 or you can continue debate on what to do procedurally with respect to the remainder of the act.

There are no amendments to section 3. Shall section 3 carry? All in favour? Opposed? The section is carried.

Section 4: We have the government amendment. That's what it says on my list. Has it been changed? All right. Section 4.1 is not there. Very well.

Mrs Boyd: I move that subsection 4(1) of the bill be amended by striking out "convey a person to a protective safe house" in the second and third lines and substituting "deliver a person to the care of a child protection worker."

The Chair: Any discussion? All in favour of the amendment? Opposed? The amendment is defeated.

Mrs Boyd: I move that subsection 4(2) of the bill be amended by striking out "premises and search for and apprehend the child" in the sixth and seventh lines and substituting "premises, search for and apprehend the child and deliver the child to the care of a child protection worker for the purpose of assessing whether or not the child is in need of a protective safe place."

1700

The Chair: Discussion? All in favour of the amendment? Opposed? The amendment is defeated.

Shall section 4 carry?

Mrs Boyd: A recorded vote.

Ayes

Bartolucci, Jim Brown, DeFaria, Galt, Klees.

Nays

Boyd.

The Chair: Section 5.

Mrs Boyd: You had said that this was the appropriate place. I move that section 5 be deleted.

The Chair: You have actually two; the first is not an amendment at all, what you have there.

Mrs Boyd: You told me now that I should move that it be deleted.

The Chair: Very well. Mrs Boyd, your amendment is not in order, because the only choice we have as a committee is to vote for or against or amend an amendment but not to delete an entire section.

Shall section 5 carry?

Mrs Boyd: A recorded vote, please.

The Chair: Do you have two amendments to section 5, Mrs Boyd, or just the one?

Mrs Boyd: I'm withdrawing the second one.

The Chair: She's withdrawing the second one.

Mrs Boyd: Well, it's not being moved.

The Chair: Very well.

Ayes

Bartolucci, Jim Brown, DeFaria, Galt, Klees.

Nays

Boyd.

The Chair: Section 6.

Mrs Boyd: I move that section 6 of the bill be struck out and the following substituted:

"Confinement in place of safety

"6(1) If a child apprehended under section 2, 3, or 4 has been conveyed to a protective safe house," — well, I'll just go ahead with "place of safety," I think, since that other was not accepted — "the child protection worker who performed the assessment to determine whether the child was in need of a place of safety may confine the child in that place for a period of up to five days and at or before the end of that time period shall,

"(a) return the child to the custody of the child's parent or to an adult who in the opinion of the child protection worker is a responsible adult who has care and control of the child;

"(b) release the child if in the opinion of the child protection worker the child is capable of providing for the child's own needs and safety; or

"(c) apply to the court for an order in accordance with subsection (3).

"Consent of child 16 or older

"(2) Despite subsection (1), a child protection worker shall not return a child who is 16 years of age or older to the custody of the child's parent or to a responsible adult unless the child consents. If the child refuses to give his or her consent, the child protection worker shall act under clause (1)(b) or (c).

"Show cause hearing

"(3) If a child is apprehended without a warrant under section 4 and confined in a place of safety under subsection (1), the child protection worker who has performed the assessment as to whether the child is in need of a place of safety shall appear before the court within five days of the commencement of the confinement to show cause why the confinement was necessary.

"Application for an order

"(4) If a child is confined in a place of safety under subsection (1) and the child protection worker has deter-

mined not to act under clause (1)(a) or (b), the child protection worker shall, within five days of the commencement of the confinement apply to a judge for a supervision order, a society wardship order, a crown wardship order or consecutive order of society wardship and supervision under section 57 of the Child and Family Services Act.

“Consent of child 16 or older

“(5) An order shall not be made under subsection (4) with respect to a child who is 16 years of age or older unless the child consents to the order.

“Application of Child and Family Services Act

“(6) Sections 47 to 70 of the Child and Family Services Act apply with necessary modifications to an application for an order made under subsection (4) as if it were an application to determine whether the child is in need of protection under section 47 of the Child and Family Services Act.

“Continued confinement

“(7) Where an application is made under subsection (4), a court may, on application of the child protection worker, order that the confinement of the child in the place of safety be extended until the application is finally determined if there are reasonable and probable grounds to believe that confinement in a place of safety is the least restrictive means of protecting the child.”

The Chair: Any discussion? All in favour of the amendment? Opposed? The amendment is defeated.

All in favour of section 6?

Mrs Boyd: A recorded vote.

Ayes

Bartolucci, Jim Brown, Galt, Klees, Preston.

Nays

Boyd.

The Chair: The section is carried.

Section 7.

Mrs Boyd: I move that section 7 of the bill be struck out and the following substituted:

“Child protection worker’s duties

“7. If a child is apprehended and conveyed to a place of safety under this act, the child protection worker who performed the assessment under subsection 2(3) shall have exclusive custody of the child and be responsible for the child’s care, maintenance and well-being while the child is confined in the place of safety.”

The Chair: Discussion? All in favour of the amendment? Opposed? The amendment is defeated.

All in favour of section 7?

Mrs Boyd: A recorded vote.

Ayes

Bartolucci, Jim Brown, Galt, Klees, Preston.

Nays

Boyd.

The Chair: The section is carried.

Section 8.

Mrs Boyd: I move that subsection 8(1) of the bill be struck out and the following substituted:

“Notice to parents

“(1) Subject to subsection (1.1), the child protection worker who performs the assessment to determine whether a child is in need of a place of safety shall immediately give notice that the child has been apprehended to the child’s parents and inform the parents of the child protection worker’s intention, where applicable, to confine the child in a place of safety in accordance with subsection 6(1) and to apply for an order in accordance with subsection 6(3).

“Exception

“(1.1) A child protection worker shall not give notice under subsection (1) if,

“(a) in the opinion of the child protection worker, it is not in the best interests of the child to do so; or

“(b) the child is 16 years of age or older and has not consented to notice being given to his or her parents, unless the child protection worker believes on reasonable grounds that giving notice to the parents is necessary to protect the health and safety of the child.”

The Chair: Discussion? All in favour of the amendment? Opposed? The amendment is defeated.

Shall section 8 carry?

Mrs Boyd: A recorded vote.

Ayes

Bartolucci, Jim Brown, Galt, Klees, Preston.

Nays

Boyd.

The Chair: The section is carried.

Section 9. Any discussion? Shall section 9 carry?

Mrs Boyd: A recorded vote.

Ayes

Bartolucci, Jim Brown, Galt, Klees, Preston.

Nays

Boyd.

The Chair: The section is carried.

Section 10.

Mr Bartolucci: I move that section 10 of the bill be struck out and the following substituted:

“Programs

“10. The minister shall establish such programs as are necessary to assist children in ending their involvement in prostitution.”

The Chair: Any discussion? All in favour of the amendment?

Mrs Boyd: A recorded vote.

Ayes

Bartolucci, Boyd, DeFaria, Galt, Preston.

Nays

Jim Brown, Klees.

The Chair: The amendment is carried. Mrs Boyd?

Mrs Boyd: It's the same motion.

The Chair: Very well. Shall section 10, as amended, carry? All in favour? Opposed? The section, as amended, is carried.

Section 11.

1710

Mr Bartolucci: I move that section 11 of the bill be amended by adding the following subsection:

“Duty of minister

“(2) The minister shall ensure that every protective safe house is operated so as to provide each child who is confined there under this act with the protection and security that are necessary to that child and with programs that are suitable to the child's needs.”

The Chair: Discussion? All in favour of the amendment? Opposed? We're going to do this again, because it wasn't clear to me how people were voting.

Mr Klees: Which amendment are you calling?

The Chair: That's helpful. If that's causing some difficulty for people, we're on section 11 and it's the Liberal amendment on page 14. If we could all go to that page.

Mr Jim Brown: Is there discussion on this?

The Chair: There can be discussion. I had called for the vote, but if it's the will of the committee that we go to discussion, we could do that. Any objections?

Mr Jim Brown: Now we're talking money, and that may be outside the scope of a private member's bill. For that reason, this motion might not be acceptable.

Mr Preston: I'd like to know what a protective safe house is.

Mr Bartolucci: We would be defining that here. It's anywhere where a child can go to ensure that (1) he or she is protected, and (2) is given proper programming. Is it a jail? No. Is it Elizabeth Fry Society? No. Could it be a children's aid foster home? Yes. Could it be a John Howard Society home? Yes. It is anywhere where the child is in a safe environment with the necessary programs.

Mr Preston: Is it likely to be the ones in effect at the present time?

Mr Bartolucci: Could be, yes.

Mr Preston: Like, if it was boys, it would be My House.

Mr Bartolucci: Yes.

Mr Preston: Those programs are in effect already.

Mr Bartolucci: That's right. We're enshrining this.

Mr Preston: They don't have to be enshrined. They're already in effect.

Mr Bartolucci: Not in this act. The only reason we're doing this, Peter, is — that was my initial reaction. That's

why I worded it the way we worded it in the act, because, by and large, protective safe houses already exist.

Mr Preston: Yes.

Mr Bartolucci: But there was a concern out there that it be defined a little more specifically with regard to programming. That's what we're trying to do here. That's all.

Mr Preston: I have a concern that they will consider things other than the normal programming that is done for a child who is in protective custody.

Mr DeFaria: While I agree with the content of Mr Bartolucci's intentions, I have a real problem with this bill, as Mrs Boyd has indicated. I think we are talking about protective safe houses which already exist. We are talking about a definition of “child in need of protection,” which is already in the Child and Family Services Act. Anybody under this act, or anyone under 16 who would be, for example, involved in prostitution, would be under the definition of “child in need of protection” under the Child and Family Services Act anyway.

Actually, Mr Bartolucci could achieve what he wants in a couple of sections. One would allow a judge to issue a warrant to arrest anyone aiding and abetting a person under 18 into prostitution and providing for jail sentences of up to six months. I don't think under the summary offences act you can go any further than six months, and we have 24 months here. You could have fines of up to \$25,000. A second would allow a judge to issue a warrant to return children under 16 to protective safe houses, or to their families if that would be determined by a protection worker; and, under the warrant, provide an order restricting such child, if that child is under 18, from being in the place where the person is found committing prostitution. So you would have an order where the warrant would prevent that person under 18 being in a place where he or she is found committing prostitution.

The Chair: Mr DeFaria, I'm not sure where we are here. Are you referring to other sections of this bill? Are you giving us additional amendments? Would you clarify that, please?

Mr DeFaria: No, I'm just mentioning to Mr Bartolucci that with those two provisions you do exactly what you want and everything else would be under the Child and Family Services Act. We are going through a lot of amendments and we may have to vote them down because it requires — for example, this one indicates “the minister shall,” which includes an order to spend money. We may have to vote them down when we are actually in support of your intention here. That's just a comment that I have.

The Chair: Thank you for your comments. Any further discussion? All in favour of this amendment? Opposed? The amendment is defeated.

Mrs Boyd: I'd like a ruling, Madam Chair, because we now have — oh, I guess we defeated the amendment, didn't we?

The Chair: We defeated the amendment.

Mrs Boyd: I move that section 11 of the bill be struck out and the following substituted:

"Prohibition, identifying child

"11. Except as may be necessary for the administration of this act, no person shall publish or make public information that has the effect of identifying,

"(a) a child who is apprehended under this act;

"(b) a child who is the subject of a warrant made under section 2 or 3; or

"(c) the parent, foster parent or member of the family of a child referred to in clause (a) or (b)."

This was a recommendation from the privacy commissioner.

The Chair: Discussion? All in favour of this amendment? Opposed? The amendment is defeated.

All in favour of section 11?

Mr Bartolucci: As amended.

The Chair: No, there's no amendment. Sorry, Mr Bartolucci. Good try, though.

Shall section 11 carry? Opposed? The section carries.

Section 12.

Mrs Boyd: I move that section 12 of the act be struck out and the following substituted:

"Regulations

"12. The Lieutenant Governor in Council may make regulations,

"(a) respecting assessments to determine whether a child is in need of a place of safety conducted under this act;

"(b) prescribing places of safety as defined under the Child and Family Services Act as places of safety under this act;

"(c) respecting the programs established under section 10 of this act;

"(d) respecting the rules to be followed in any proceeding under this act; and

"(e) respecting the forms, including notices to be used in any application made to the court under this act."

The Chair: Discussion? All in favour of this amendment? Opposed? The amendment is defeated.

Shall section 12 carry? All in favour? Opposed? Section 12 carries.

Section 13.

Mrs Boyd: I move that section 13 of the bill be amended by adding the following subsection:

"Same

"(2) any person who contravenes section 11 of this act" — it's out of order, Madam Speaker, because we didn't pass the previous amendment.

1720

The Chair: Thank you very much for pointing that out. Shall section 13 carry? All in favour?

Mr Jim Brown: What about subsection —

The Chair: We're getting to that. That's a new section, though.

Mr Jim Brown: No, it's subsection (1) of 13.

The Chair: No. My understanding was that it was going to be 13.1 and it was a new section. We're going to get that clarified.

Shall section 13 carry? All in favour? Opposed? Section 13 carries.

We'll move now to section 14 and go over to you, Mr Brown, for section 14.1, a new section.

Section 14, any discussion?

Mrs Boyd: I have to argue against this because the Child and Family Services Act should take precedence over this act. I think making this act take precedence over the Child and Family Services Act is a really serious error.

Mr Jim Brown: I believe this is such an important new addition to the legislative set of tools to fight against adults taking advantage of our kids that I think this should take precedence, just as Mr Bartolucci has suggested in his bill. I think it is that important. It's very, very important that it take precedence over the Child and Family Services Act.

The Chair: Further discussion and comments? All in favour of section 14? Opposed? Section 14 carries.

Section 14.1.

Mr Jim Brown: This is a lot to read. I have to read it all, right?

The Chair: We're quite willing and eager to listen to every word.

Mr Jim Brown: Every inflection.

The Chair: The inflections don't show up on the record but the text is important.

Mr Jim Brown: I move that the following new section 14.1 be added to the bill to amend the Highway Traffic Act by creating a new section:

"(1) In this section, 'designated person' means a person designated by the Attorney General for the purpose of this section.

"(2) The Attorney General may appoint a person or designate a department or branch of the government as a garage keeper for the purpose of this section.

"Seizure of vehicle used in committing certain offences

"(3) A peace officer who on reasonable grounds believes that a motor vehicle is being operated in the course of committing an offence under any of the following provisions of the Criminal Code (Canada) shall seize the vehicle and take it into custody of the law:

"(a) section 211 (transporting person to bawdy house);

"(b) section 212 (procuring);

"(c) section 213 (offence in relation to prostitution).

"Release of seized vehicles and personal property in seized vehicles

"(4) Any personal property present in a motor vehicle that is seized under this section, other than personal property attached to or used in connection with the operation of the vehicle, shall be released to the owner of the personal property upon request, unless it is required as evidence in a prosecution or in connection with an investigation of an offence under this act, in which case subsections (2) and (3) (peace officers may apply for an order to extend detention) apply, with necessary modifications.

"No release or removal of vehicle except as authorized

"(5) No person shall remove or release, or permit the removal or release of a seized motor vehicle from the place of storage except as authorized under this section.

“Temporary release of seized vehicle by peace officer

“(6) Despite subsection (3), a peace officer who seizes a motor vehicle under this section but is satisfied that taking it into the custody of the law would jeopardize the safety of, or cause undue hardship to, any person, may delay taking custody of the vehicle and may permit it to be driven to a location specified by the officer, where any peace officer may take custody of it.

“Seizure of released vehicle at other location

“(7) Where under subsection (6) a peace officer permits a seized motor vehicle to be driven to a location and the vehicle is not taken into custody at that location, a peace officer may apply to a justice for an order to take the vehicle into the custody of the law, and if the justice is satisfied that the officer had reason to seize the vehicle, the justice may grant an order authorizing a peace officer to take the vehicle into the custody of the law in accordance with this section, with necessary modifications, and for that purpose to enter a building or place where the vehicle is stored or kept.

“Release of vehicle by peace officer of stolen vehicles or under alternative measures

“(8) Where a motor vehicle is seized under this section, a peace officer may, with the approval of the designated person, release the vehicle to the owner, or to a person authorized by the owner, if the officer is satisfied that

“(a) the vehicle is stolen; or

“(b) every person

“(i) who was in the vehicle at the time it was seized, and

“(ii) who the peace officer referred to in subsection (3) had reasonable grounds to believe had committed an offence referred to in clauses (3)(a) to (c),

“is eligible for, and consents to be dealt with by way of, a program of alternative measures authorized under clause 717(1)(a) of the Criminal Code (Canada).

“Indemnification in case of stolen vehicle

“(9) Subsection (30) (indemnification) applies, with necessary modifications, in respect of a motor vehicle released under clause (8)(a).

“Applications to court by certain owners of vehicles

“(10) The owner of a motor vehicle seized under this section may, if he or she is not charged with an offence referred to in clauses (3)(a) to (c) in respect of which the vehicle was seized, apply to a justice designated by the chief judge of the Provincial Court of Ontario to hear applications for the release of vehicles under this section by

“(a) making application in the form and manner required by the minister; and

“(b) paying the prescribed fee.

“Justice may consider any relevant evidence

“(11) In a hearing conducted pursuant to subsection (10), the justice may consider any evidence or information he or she considers relevant, which may include

“(a) a report of a peace officer respecting the seizure of the motor vehicle; and

“(b) a report of the designated person respecting any record of a previous seizure under this section of a vehicle

that was at the time registered in the name of, or owned by, the applicant.

“Determination by justice

“(12) If the justice is satisfied that

“(a) at the time the motor vehicle was seized, the driver was in possession of it without the knowledge and consent of its owner, or

“(b) the owner could not reasonably have known that the vehicle was being operated in the course of committing an offence referred to in clauses (3)(a) to (c);

“the justice shall order

“(c) that the vehicle be released to the owner, or to a person authorized by the owner, subject to payment of the lien under subsection (23), and that the designated person so advise the garage keeper, and

“(d) that the application fee paid under clause (10)(b) be refunded to the owner.

“Owner may obtain vehicle by depositing security

“(13) The owner of a motor vehicle seized under this section may at any time apply to the designated person for the release of the vehicle on deposit of a sum of money, or security for money approved by the Minister of Finance, equal to the value of the vehicle, as determined by the designated person in accordance with the regulations.

“Certificate of Minister of Finance confirming deposit

“(14) The owner shall deposit the amount determined under subsection (13), or security for it, with the Minister of Finance, who shall issue to the owner a certificate that confirms the amount of the deposit.

“Designated person to authorize release of vehicle

“(15) On receiving a certificate issued under subsection (14), the designated person shall authorize the release of the vehicle to the owner, or to a person authorized by the owner, subject to payment of the lien under subsection (23).

“Security not subject to other claims

“(16) The money or security for money deposited with the Minister of Finance is not subject to any other claim or demand.

“Release of seized vehicle of low value

“(17) If a designated person is satisfied that the costs and charges related to the seizure of a motor vehicle under this section will or could amount to more than the value of the vehicle or the value of the interest of the owner in the vehicle, whichever is less, the person

“(a) may release the vehicle to the owner subject to payment of the lien under subsection (23) (garage keeper's lien); and

“(b) before releasing the vehicle, may register a notice, in the form of a financing statement, under part IV (registration) of the Personal Property Security Act, that the vehicle is subject to forfeiture under this section.

“Effect of forfeiture on transfer or new security interest

“(18) If a notice is registered under subsection (17), any transfer of the motor vehicle by the owner and any security interest given by the owner after the vehicle is released is void upon forfeiture of the vehicle under clause (26)(b).

"Notice of release to be given to owner

"(19) If a motor vehicle is released under subsection (17), the designated person shall give notice to the owner of

"(a) the release of the vehicle;

"(b) any notice registered under clause (17)(b); and

"(c) the possible disposal of the vehicle

"(i) under the regulations, or

"(ii) if the vehicle is an item of collateral under the Personal Property Security Act, by the secured creditor pursuant to that act,

"if the vehicle is not removed from storage within 30 days after the date of release.

"Procedure when released vehicle is not removed

"(20) If a motor vehicle referred to in subsection (19) is not removed from storage by the owner within 30 days after the date of release, the designated person shall

"(a) give the garage keeper approval to dispose of the vehicle in accordance with the regulations; or

"(b) where the vehicle is an item of collateral under the Personal Property Security Act, give notice to the secured party of the amount of the lien under subsection (23) (garage keeper's lien).

"Secured party may pay costs and proceed on default

"(21) A motor vehicle referred to in clause (20)(b) may be released to the secured party on payment of the lien under subsection (23), and the party may

"(a) add the amount paid to the amount owing under the security agreement; and

"(b) proceed in accordance with the Personal Property Security Act in respect of the default of the owner of the vehicle in failing to pay the lien.

1730

"Procedure on seizure of vehicles

"Requirements for peace officer seizing vehicle

"(22) A peace who seizes a motor vehicle under this section shall

"(a) complete an acknowledgement of seizure setting out

"(i) the name and address of the driver, each passenger that the peace officer had reason to believe had committed an offence referred to in clauses (3)(a) to (c), and the owner of the vehicle,

"(ii) the year, make and serial number of the vehicle,

"(iii) the date and time of the seizure, and

"(iv) the place where the vehicle is to be stored;

"(b) give the driver referred to in subclause (a)(i) a copy of the acknowledgement;

"(c) if the owner is present at the time of the seizure, give the owner a copy of the acknowledgement, and if the owner is not then present, without delay send a copy of the acknowledgement by registered or certified mail to the owner's last known address as recorded in the registrar's records of motor vehicle registration;

"(d) cause a copy of the acknowledgement to be given to the garage keeper who stores the vehicle; and

"(e) retain a copy of the acknowledgement.

"Lien for costs relating to seizure

"Lien for costs relating to seizure of vehicle

"(23) A motor vehicle that is seized under this section shall be stored where the peace officer directs, and the garage keeper who stores the vehicle has a lien, which may be enforced in accordance with the regulations, for the following:

"(a) costs and charges relating to the seizure of the vehicle, as prescribed by regulation;

"(b) costs and charges on account of administration of this section to be paid to the Minister of Finance upon the release of the seized vehicle, as prescribed by regulation;

"(c) the cost of searches and registrations, and other charges under the Personal Property Security Act, that are reasonably necessary for the garage keeper to perform his or her obligations.

"Effect of garage keeper's lien

"(24) A motor vehicle that is subject to a lien under subsection (23) shall be retained in the custody of the law until the lien is paid or the vehicle is dealt with under this act or the regulations.

"Return or forfeiture of vehicles and deposits

"Process when no person is convicted

"(25) If no person is convicted of an offence in respect of which a motor vehicle is seized under this section, the Minister of Justice shall

"(a) if the vehicle has not been released under this section, release the vehicle;

"(b) if a notice has been registered in the personal property registry under clause (17)(b), discharge the notice in accordance with the Personal Property Security Act; and

"(c) return any sum of money or security for money deposited with the Minister of Finance in respect of the vehicle under this section.

"Forfeiture of vehicle or deposit on conviction

"(26) When a person who is in a motor vehicle at the time it is seized under subsection (3) is convicted of an offence referred to in that subsection

"(a) if the owner of the vehicle has deposited money or security for money under subsection (13), the deposit is forfeited;

"(b) if a notice has been registered in the personal property registry under clause (17)(b), the vehicle is forfeited to the government, subject to any security interest registered before the notice;

"(c) if at the time of the conviction the vehicle remains under seizure and has not been released under this section or disposed of under the regulations, the vehicle is forfeited to the government, subject to any security interest registered before the seizure.

"Value of certain forfeited vehicles is debt due

"(27) Where a motor vehicle forfeited under clause (26)(b) is for any reason at the time of forfeiture not being operated in the province, or the value of the vehicle has decreased since it was seized, the Attorney General may recover from the owner of the vehicle, as a debt due to the crown.

"(a) in the case of a vehicle not being operated, value of the vehicle at the time it was seized; or

"(b) in the case of a decrease in value, the amount of the decrease.

"Use of funds from deposit or sale of vehicle

"(28) proceeds realized from a forfeited deposit or from the sale of a forfeited motor vehicle shall be used

"(a) to pay any costs and charges relating to the seizure of the vehicle, as determined by the designated person in accordance with the regulations; and

"(b) after payment of the costs and charges, to assist any groups or organizations that, in the opinion of the Attorney General, support or deliver programs to reduce the occurrence of the offences referred to in clauses (3)(a) to (c).

"General provisions

"Owner's right against driver for amount of lien

"(29) The owner of a motor vehicle that is seized under this section may recover, from the person who was the driver at the time the vehicle was seized, the amount of any lien that the owner is required to pay under this section.

"Indemnification

"(30) The Attorney General may, where he or she considers it reasonable and just in respect of a seizure made under this section,

"(a) waive any cost or charge prescribed by regulation; and

"(b) indemnify the owner of the motor vehicle for any direct cost incurred by the owner in respect of the seizure.

"Reasons for indemnification

"(31) Where the Attorney General acts under subsection 3(30), he or she shall file with the designated person the reasons for doing so.

"Regulations

"(32) The Lieutenant Governor in Council may make regulations

"(a) respecting the towing, transportation, care, storage and disposal of motor vehicles seized under this section

"(b) respecting the release of motor vehicles seized under this section;

"(c) prescribing fees for the purpose of clause (10)(b);

"(d) for the purpose of subsections (13), (17) and (27), respecting the determination of the value of motor vehicles;

"(e) respecting the deposit of money or security for money under subsection (13), including the disposition of interest earned on deposits;

"(f) respecting the enforcement of liens under subsection (23);

"(g) for the purpose of clauses (23)(a) and (28)(a), respecting the costs and charges relating to the seizure of motor vehicles, including the towing, transportation, care, storage and disposal of vehicles, or the manner in which those costs and charges are to be determined;

"(h) for the purpose of clause (23)(b), respecting the costs and charges payable on account of administration, or the manner in which those costs and charges are to be determined;

"(i) respecting criteria for the exercise of discretion under subsection (30);

"(j) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of this section."

Mr Doug Galt (Northumberland): What a fine reader you are, indeed.

The Chair: Mr Brown, I think you may well have set a precedent in presenting an amendment to the section that's twice as long as the bill before us. There are 16 sections in the bill before us and 32 in your amendment. I regret to inform you that your amendment is out of order. I wanted to give you the opportunity to read it into the record because I know it's an issue that's very important to you and you have spoken at great length on this issue during the course of our hearings.

Mr Jim Brown: And it was so eloquently delivered.

The Chair: It was not only eloquently done, I think it was a test of endurance, and it was great.

Mr Jim Brown: For me or for you?

The Chair: Let me tell you why it's out of order. It's out of order for a couple of reasons: first, because the scope of what you have put before us goes beyond the scope of the bill, which does not deal with amendment of the Highway Traffic Act; and second, because it tries to amend a statute of the Highway Traffic Act which was not already amended in this bill.

Just as an aside, it would have had to be redrafted anyway even if it had been amended, because obviously the sections that you're referring to are not Ontario statute sections. That could have caused us some difficulties as well, but we don't have to deal with that issue at this point.

I regret to do that, but I think your amendment, as introduced, will certainly indicate once again your concern, and hopefully that will be the message that will go forward if that's something that needs to be done.

Having said that, we will proceed with the remainder of the sections before us.

Section 15, any discussion? Shall section 15 carry? All in favour? Opposed? The section is carried.

Shall section 16, the short title of the bill, carry? All in favour? Opposed? Section 16 carries.

Shall the long title of the bill carry? All in favour? Opposed? The long title carries.

Before we go to the bill as a whole, I neglected at the beginning to seek the committee's vote on the preamble. Shall the preamble carry? I don't believe there were any amendments to the preamble, were there? All in favour? Opposed? The preamble carries.

Shall Bill 18, as amended, carry? There are actually two amendments to Bill 18. All in favour?

Mrs Boyd: A recorded vote, Madam Chair.

Ayes

Bartolucci, Brown, DeFaria, Galt, Klees, Preston.

Nays

Boyd.

The Chair: The bill carries.

Shall Bill 18, as amended, be reported to the House? All in favour? Opposed, if any? The bill will be reported to the House.

I want to thank all of you for this.

Mr Bartolucci: Just before you adjourn, Chair, I'd like to thank Legislative Assembly staff as well as the legal staff who did a great deal of work, offered a great deal of guidance and were certainly very patient in not only the drafting of the bill but in the execution of the committee hearings etc.

I don't know where this is going to go. I don't know that we'll ever see it again in this form. We may see it in another form. We may see it in the original form. One never knows. The important thing here is that at the end of the day and when everything is said and done and new legislation is in place, these children are protected. That's a common goal of all three parties, I don't care where we sit or what our political philosophies are.

I want to thank the committee members and I want to thank those committee members who visited the different cities. You deserve a lot of credit. You deserve a lot of praise from the taxpayers of Ontario for giving up your time and believing that it was important. So whatever happens from this point I'm sure will only help the children of Ontario who are sexually exploited or abused, and I want to thank you for that.

Chair, as usual, you are very businesslike and very fair, and I thank you for that.

The Chair: Thank you, Mr Bartolucci, and thanks to all of you. This has been an extremely valuable committee. It certainly has been wonderful for the people who participated in the debate to be given a hearing on a very important issue.

I want to thank all of you, but I would be remiss if I didn't thank the technical staff and Hansard and our legal counsel and our clerk for doing a fabulous job.

Mr Klees: Your producer, too.

The Chair: Well, Mr Klees, this is a hard act to take on the road and they did a fabulous job. We were always on time. We always finished on time. They were ready every step of the way and we want to thank all of them.

Mr Galt: And I only got here for this afternoon.

The Chair: You missed a good time. What can I say?

Mrs Boyd: Madam Chair, may I ask about the work of the committee? We had several subcommittee meeting dates set that were subsequently cancelled. There are at least two bills that have been referred to this committee. May I ask what the future of those discussions is?

The Chair: I wish I could tell you, Mrs Boyd. We have three pieces of legislation before this committee: the bill on international adoptions, the bill on the Holocaust memorial and the bill on red light cameras. We have attempted to schedule two subcommittee meetings and that has not been possible because the government was not willing to attend and was also not willing to send a delegate, which is why I used those very strong words. I can understand that there might be a problem with scheduling, although we tried to give it a great deal of notice, but there wasn't even ability to give a substitute to this committee.

Given that tomorrow we would normally be sitting on this bill and we aren't, I've asked the clerk to schedule a subcommittee meeting for tomorrow, immediately after the regular session of the House. Hopefully we will have a subcommittee meeting. Failing that, I shall proceed to the procedure that I used the last time when we had this problem, because this is not an isolated incident, and call a full committee of this body to sit and decide on the calendar of events for the committee.

Mr Jim Brown: Not all of us are regular members of this committee but —

The Chair: You can come visit any time, Mr Brown.

Mr Jim Brown: I'd like to leave on a positive note. I commend Mr Bartolucci for bringing this serious matter to everybody's attention and allowing us to go around the province and discuss it, because our kids are important and we have to do whatever we can to protect them. I congratulate Mr Bartolucci.

Mr Bartolucci: Thank you.

The Chair: Thank you all very much. We are adjourned.

The committee adjourned at 1743.





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Official Report of Debates (Hansard)

Tuesday 15 December 1998

Journal des débats (Hansard)

Mardi 15 décembre 1998

Standing committee on social development

Social Work and
Social Service Work Act, 1998

Comité permanent des affaires sociales

Loi de 1998 sur le travail social
et les techniques de travail social



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Tuesday 15 December 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES SOCIALES

Mardi 15 décembre 1998

*The committee met at 1529 in room 151.*SOCIAL WORK AND
SOCIAL SERVICE WORK ACT, 1998LOI DE 1998 SUR LE TRAVAIL SOCIAL
ET LES TECHNIQUES DE TRAVAIL SOCIAL

Consideration of Bill 76, An Act to Establish the Ontario College of Social Workers and Social Service Workers / Projet de loi 76, Loi créant l'Ordre des travailleurs sociaux et des techniciens en travail social de l'Ontario.

The Chair (Ms Annamarie Castrilli): Good afternoon. We are in session. This is the standing committee on social development. The first item of business we are going to deal with is the report of the subcommittee of this committee, which met yesterday. You have before you the agenda for today, which essentially comprises the work that the subcommittee did yesterday.

As you will see, Bill 76 is to be considered today, subject to the committee's approval. We will have hearings between 3:30 and 6 and then again from 6:30 to 9. There will then be a break of one hour to consider amendments and from 10 to 12 we will have clause-by-clause. That is what the committee has decided. The presenters will each have 15 minutes. Could I have a mover for that report? Mrs McLeod. Any discussion on the report?

Mr Peter Kormos (Welland-Thorold): Just very quickly, and I'm not going to try to second-guess the subcommittee, but this is a heck of a way to do business, to have this rushed through. Everybody, on second reading in the House, as I recall it, effectively approved in principle the concept of the bill. But you also know that there are some issues that are going to be raised over the course of this afternoon and early evening that warrant, in my view, some consideration. It's a heck of a way to do business to have this rushed through in one day. I don't care who agreed to it and who didn't agree to it in terms of that time frame; it causes me concern about whether or not at the end of the day this bill is going to be as complete and thorough as it should be.

I'm not on this committee; I'm subbing today. I'm very interested in the bill, I'm very interested in what people have to say, but to have this rushed through in one day and to have clause-by-clause on the same day as submissions

— and the briefest of submissions, a mere 15 minutes — and only one hour for legislative counsel to assist caucuses in preparing amendments, I think is a pretty sloppy way to do business. It's very unfortunate.

The Chair: I should just say, Mr Kormos, that in fact this committee hearing spans two sessional days, although it's one calendar day.

Mr Kormos: Cute, Madam Chair.

The Chair: It's not intended to be cute. Those are the rules, as you know.

Mr Kormos: Yes, I know, but cute.

The Chair: Mr Carroll?

Mr Jack Carroll (Chatham-Kent): I don't have a comment, I was just putting my hand up to kind of say I was going along with Mrs McLeod. She moved the motion.

Mrs Lyn McLeod (Fort William): Indeed I will move it so that we can have public hearings. But as a member of the subcommittee, I do want to agree with Mr Kormos that in principle this is not a way in which we should hold public hearings, let alone move so quickly to a process of amendment. The alternative was no public hearings at all and no opportunity for the, I believe, 28 individuals or associations that had requested to speak on this bill.

Since there were no opportunities apparently available for us to extend the committee hearings on Wednesday or Thursday, as we were informed, and it appears that there wouldn't be an opportunity to proceed with this bill unless we completed the hearings this week, it left this afternoon and this evening, and the only place in which we could even allow for a process of amendments was indeed the hour from 9 to 10, with the committee then sitting to do clause-to-clause from 10 till midnight.

It is completely unprecedented, and I still fail to see any reason the government could not have brought this bill forward at an earlier time so we could have had due process on this piece of legislation. I agree that even on a bill which has received support from all three parties, due process should be given some semblance of being followed at least. Nevertheless, I think it was important to hear from the individuals who wanted to make some comment on the bill.

Mrs Sandra Pupatello (Windsor-Sandwich): A question for the Chair: Could you just review the process, if we have amendments to come forward — and I'm assuming it's going to be between 9:30 and 10 o'clock, in

the break — where legal counsel are and how that process would work to make that happen? Should we be advancing potential amendments to legal counsel as quickly as they sort of enter our head, I suppose, just in case? What is the process?

The Chair: The discussion that took place yesterday at subcommittee was that at 9 o'clock there would be a break. Presumably amendments would be filed at that point. You'd have an hour to consider them and then we'd come back for clause-by-clause. Legislative counsel has been advised of that. We also have legislative research who will be with us all afternoon and all evening to expedite any questions and any responses to questions that members might have so that we can move as quickly as possible.

Mrs Pupatello: So we forward any potential amendments to legislative research as soon as we come upon them, is that how it works?

The Chair: No, it would go to legislative counsel.

Mrs Pupatello: Are they here?

The Chair: The researcher is here to answer questions and to facilitate whatever discussions you might want to have so that you can file amendments.

Mrs Pupatello: We usually have counsel here at committee hearings. Is there a reason they're not here?

Clerk of the Committee (Ms Donna Bryce): Legislative counsel is normally here during the clause-by-clause process. In this case she is going to be in and out of the committee room during the public hearings so you will have an opportunity to talk to her.

Mrs Pupatello: The next question is for perhaps a government member. I thought it might have been addressed at the subcommittee meeting yesterday but our member informed us that it wasn't. Perhaps Mr Carroll or Mr Klees, as the PAs to the minister, could give us an update on the status of the child protection bill. We were under the understanding that we were going to try to speed some hearings through on the Child and Family Services Act amendments being brought forward. What is the status of that? I assumed they too were coming to this committee.

The Chair: Before the government answers, I'd like to dispose of the subcommittee report. If you then want to bring some additional matters up before we get into the hearings, I'd be happy to do that.

Mrs Pupatello: I assumed that was going to be on the subcommittee report.

The Chair: It's still on the table. Is there anyone else who wants to speak to the subcommittee report?

Mr Frank Klees (York-Mackenzie): I'd just like to say for the record that we certainly would have preferred to have this matter into this committee much earlier as well. The Chair may know that there was an agreement last week that we would complete second reading on this bill and get on with it. In fact, it was the New Democratic Party that did not follow through on that agreement. Otherwise we would have been here before now. What we faced as a result of that delay is the potential risk of not

having this bill passed at all. So this committee found itself under this time constraint.

I think this has been in the works for a number of years, it's been under discussion by all parties for a number of years and we felt that it was imperative that we move along. It is unprecedented that we as a committee sit till 12. I want the Chair to know that I have taken a great deal of heat from my colleagues for agreeing to an agenda that has us sitting here until 12, but in the interest of getting this done, I think it's the right decision.

We'll hear the submissions and we'll take into consideration the recommendations that are made. This is not the final hour in that regard, as we all know. This legislation, as other pieces of legislation from time to time are amended — I think it's important that we get on with it.

The Chair: Thank you for that. I'm mindful of the time and I know that we want to get to the hearings as soon as possible to give the public an opportunity to speak. Mr Kormos, are you speaking to the subcommittee report?

Mr Kormos: Yes. Mr Klees wants to talk about protracting things in his comments. I'm referring to the Hansard of December 8, which is when the government saw fit to produce this for second reading debate, notwithstanding that the bill had been introduced for first reading on November 2. He's complaining because Mr Morin dared to speak to it. That's Mr Morin's prerogative. If Mr Klees is a member of that school around here that doesn't believe in debate on bills, so be it, but the fact is that it was voted on on December 8, the very first day it was introduced for second reading. That doesn't seem to be a very protracted debate. It was the same day that it was introduced that the vote was also held, and it was passed on a voice vote. So please, Mr Klees, cut the crap, OK?

Mr Klees: I don't think that's parliamentary.

The Chair: It is certainly not parliamentary, Mr Kormos, and I hope we're not going to engage in that.

Mr Kormos: But most appropriate.

The Chair: I'll ask you to withdraw.

Mr Kormos: No, thank you.

Mr Klees: Leave the room. Just stand in the corner.

The Chair: Could I have a vote on the subcommittee report? All in favour? Opposed, if any? The subcommittee report is adopted.

Mrs Pupatello has a question with respect to additional legislation. Mr Carroll, Mr Klees, anyone?

Mr Carroll: The question was about changes to the CFSA?

Mrs Pupatello: The status of that bill.

Mr Carroll: I don't think it's appropriate that that question be asked at this committee.

Mrs Pupatello: It's supposed to come to this committee.

Mr Carroll: That decision has not been made yet, as far as I know. I understand that bill is still in the House for second reading and no disposition of the bill has taken place. I think the question is not one that should be dealt with at this committee at this time.

1540

The Chair: I've allowed some latitude just for general information, but it is not properly before this committee.

Mrs McLeod: It was indeed a subject of discussion for the subcommittee meeting at our next-to-the-last meeting, and there was an expectation on the government's part that it would be referred to this committee in all likelihood and that that would have been done at least 10 days ago, so I understand the question arising.

Do I understand, Madam Chair, that we're still going to have a convening of the subcommittee prior to our conclusion this evening, so that we can deal with a couple of the other matters that have been referred to the committee?

The Chair: There is a tentative subcommittee report from November 30. There are a number of items that are either before the committee, or that we were told might come before the committee: Bill 20, Bill 23, Bill 78 and Bill 88, which are all private members' bills, as well as a standing order 124 designation that Mr Carroll has put towards the committee. I think that until we dispose of this matter, which has priority as a government bill, we will not be in a position to consider the other. If it is the wish of the committee to deal with that, or for the subcommittee to meet again to deal with that at the conclusion of the work of this committee, we could certainly entertain that.

Mrs McLeod: It was my understanding last night that the particular issue of the red light cameras was being deferred until we could meet this evening, because I was tasked to get some further information on the disposition of that bill.

The Chair: My recollection is that we wouldn't deal with that item until we had disposed of Bill 76. The subcommittee could certainly meet at that point to deal with that particular piece of legislation. Any additional items?

YORK UNIVERSITY SCHOOL OF SOCIAL WORK

The Chair: Very well, then. We begin with our hearings on Bill 76, An Act to establish the Ontario College of Social Workers and Social Service Workers. Our first presenter is Saul Joel, the chair of the school of social work at York University. Welcome. Thank you very much for being here; we apologize that it's such short notice. You have 15 minutes for your presentation, and you can use it in any way that you wish. Provided that there's any time left over, I'm sure the members of the committee will want to ask you some questions.

Mr Saul Joel: I thank the committee for giving me the opportunity of addressing you on Bill 76. For those of you who are celebrating Hanukkah, let me wish you a Happy Hanukkah; to others, Merry Christmas, and Eid Mubarak to the others. I am representing the school of social work at York University, and several other academics in social work at other universities in Ontario. I am in general support of the legislation and have the following reservations.

Let me begin by reading a letter that I wrote to Minister Janet Ecker on November 17:

"We the faculty members of the school of social work at York University want to draw your attention to certain objects of the proposed legislation which we consider interferes with our academic freedom. Part I - 3(2) reads: 'To approve professional education programs offered by educational institutions for the purpose of applications for membership in the college.'

"Schools of social work are periodically accredited by the Canadian Association of Schools of Social Work based on a peer review by colleagues from all over Canada." We also go through the Ontario ministry undergraduate program reviews every five years. "To grant the proposed Ontario College of Social Workers and Social Service Workers approval rights of educational programs constitutes:

"(1) Duplication of accreditation processes for schools of social work.

"(2) Violation of the evaluation of peers by academic programs.

"(3) Violation of the academic freedom of faculty members teaching in schools of social work.

"The act stipulates that the necessity for approval of educational programs refers only to those offered 'for the purposes of application for membership in the college.' In view of the fact that eligibility for membership in the college requires a university degree or social services diploma which meets the approval of the college this constitutes interference with academic freedom. We find this unacceptable.

"Further, section 4 of paragraph 3 refers to 'ongoing... continuing education for members of the college.'

Section 5 states that the college will provide for 'ongoing education.' This can only be done in two ways:

"(1) The college can offer continuing education programs itself.

"(2) Can approve or reject specific programs offered by the universities or community colleges.

"Certificate programs offered by the schools of social work such as," in our case, "Dispute Resolution and Working with Children and Families in Distress would have to be approved by the proposed college. We find this unacceptable.

"Before new course or certificate programs can be offered in universities they have to go through an intensive peer evaluation process within the academy. Faculty and senate curriculum communities have to approve them. Final approval of course or certificate content rests with the senate of the university. At each stage course and certificate content have to meet academic and ethical standards."

By the way, I might mention to you that the recent certificate that we passed through the university on Working with Children and Families in Distress, in close co-operation with the Ontario Association of Children's Aid Societies, took me nearly 16 levels of university committees to go through. So it is quite a thorough peer process of review.

"It is with this process of academic freedom premised on the evaluation of and by peers that Bill 76 runs into conflict. As faculty members of the school of social work at York University, we are strongly opposed to this infringement of our academic freedom.

"Academic freedom is a right that guarantees the autonomy of the universities. We trust that you take this issue as seriously as the faculty of the school of social work at York University does and that you will amend the objects of part I of the act accordingly."

I did send a copy of this letter to my president and the vice-president. I believe they have raised the issue of COU, and they will be in direct touch with you on how they would want to comment on it.

I would like now to clarify the above by making some additional comments. Social work academics need the freedom to develop and present curriculum on the cutting edge. Social work does not have a complete body of knowledge of its own, as does medicine or law, but develops its theory from a wide area of disciplines. Let me give you an example from my own experience.

Ten to 15 years ago, I was teaching systems theory, conflict theory etc. The field at that time was talking and using casework and psychoanalytical theory. Today, meeting with the social workers in the field, I find that they are using systems theory and conflict theory when my faculty today and I myself are presenting critical theory, feminist and post-modern theory. We are currently working at York on a program of critical disability based on the human rights model. This will be the first of its kind not only in Canada but in North America. So there is this time lag between the academic theory development and its application into practice.

Ontario needs the latest and the best theories to guide its practice. To give the professional college the power to stifle new developments is to silence the academic community.

1550

I have a few additional points. John Ralston Saul speaks about the lines that divide us as a community, aiding dysfunction. He urges us to transcend these lines and go beyond mediocracy to other levels of interaction in the community. I believe the way in which this legislation is put together will create new divisions.

Here let me be brief. I support voluntary membership rather than mandatory membership. The reasons are many. Let me give you only a few today.

(1) Voluntary membership meets the needs of social workers in private practice and those who need it as a condition for their work.

(2) The majority of social workers, some 20,000 in the province, are supervised and administered by public and private agencies and their directors, and sometimes their board of directors. Of this, less than one fifth are currently members of the college. This would be an imposition on the majority of social workers in the province.

(3) Voluntary membership will allow the market forces to determine the need for members to be regulated.

Yes, all provinces have some legislation and we don't, but there are great differences between each province's legislation. We should not put them all together. There's a different model in BC, a very different one in Manitoba and a different one in the Maritimes. Let Ontario bring in the most fair, just and effective legislation which will allow the development of cutting-edge theory to help those in need.

I thank you and I will answer your questions.

The Chair: Thank you very much. We have approximately two minutes per caucus. We'll begin with the official opposition.

Mrs Pupatello: Thank you very much for speaking to us today. I think you raise a valid argument. We discussed this at a briefing with ministry staff in terms of your concerns, specifically the first point you bring out in your submission about the college having that right for approval of programs. In discussions with the ministry, the whole purpose of it in the end was that you would try to avoid the opportunity for, call them fly-by-night, if you will, two-day seminars set up by some private institution to have people schooled and suddenly come out with a two-day class that ultimately ends up with a certificate of some sort in social work and that the college would reserve the right to have an approved list of schools that would have the appropriate academics behind them to be registered as a social worker.

Given that the purpose was actually intended for the other end of the education scale and not for clearly accredited places of work, what would you recommend or suggest be added or put in the bill so that you wouldn't have that opportunity for an institution to come up overnight and say, "Come and take this two-day seminar and get your certificate in social work"? How do you combat that?

Mr Joel: I am very comfortable with the Canadian Association of Schools of Social Work standards and regulations. We are a body right across the country. We have peer review. I think they visit every university. If the program is not acceptable to them, it is not acceptable to the public at large, it is not acceptable to employment agencies or for graduate studies. We cannot accept somebody from an unaccredited program.

Mr Kormos: Very quickly, because we haven't got a whole lot of time, you distinguished law and medicine from social work. You talked about — I hope I'm right — the multidisciplinary scope of things that are drawn on to to develop social work. I've got analogize this to law a little bit because I have some familiarity with that. Mind you, I also have a social service diploma from a community college from days gone by. The Law Society of Upper Canada doesn't tell law schools what courses to teach.

Mr Joel: You'd have to correct me on that.

Mr Kormos: That's the model you're advocating.

Mr Joel: That's right.

Mr Kormos: Are you similarly advocating — the law school doesn't dictate what Osgoode teaches, but it also sets standards for who's admitted into the law society. Do you see the dilemma there?

Mr Joel: Yes.

Mr Kormos: A mere bachelor of laws degree doesn't get you admitted to the law society; you've got to go through the ritual of their courses and their exams. How do you carry that into the argument you made?

Mr Joel: The question that comes in is that if the individual person applying for membership in the college has to pass their own test, that would be all right, but to reject a complete university's program on the basis of its theoretical positions is unacceptable to us.

The Chair: For the government, Mr Klees.

Mr Klees: I'd like to pursue the issue of voluntary versus mandatory registration with you. Unless I've missed something in this discussion, the whole premise for moving ahead with this legislation, or certainly a strong component of that, is to ensure that we have qualified people involved in the delivery of this very important work in our society. As it stands today, clearly there are some very good people practising, people who have come through your schools and others, but there are also those who hang out a shingle and don't have that support, that background. Can you give me some sense of how a voluntary program could get rid of those people and give some protection to the public?

Mr Joel: I think you're speaking about those people who are in private practice and hang out their own shingles. I think it would be most appropriate, just as in British Columbia, that it be mandatory that people who are in private practice become members of the college. That takes care of all those people who go off on their own. The ones who are under the jurisdiction of the agencies are all supervised by the agencies themselves.

The Chair: Thank you very much.

Mrs Pupatello: May I ask for unanimous consent to allow for another five minutes or so with this gentleman? We have an important matter on which I'd like to have some further clarification by the presenter.

The Chair: We have a motion for unanimous consent. Do we have unanimous consent? We do not.

Mrs McLeod: I want to raise a point that I think is going to trouble us with each of the presenters, because obviously there are people who are going to come forward with some very real and specific concerns, not about the overall need for a college but about some of the language. I'm not comforted by Mr Klees's assurance that some day in the future it can be amended.

I think we have to have some capacity to at least take into consideration the presentations that are being made to us today. My concern is that I'm not sure whether or not there is anybody present at the committee hearing from the ministry or with authority to make any recommendations to the government members to seriously consider any changes that might be put forward later this evening. I'm wondering how we can address this matter. Can we in fact have a serious amending process at 10 o'clock this evening if there's no —

The Chair: Mrs McLeod, I've asked that very same question, "Who is here from the ministry?" Mr Klees, do you want to address that?

Mr Klees: We do have members of staff here from the ministry who are listening very carefully, who are taking their notes and who are available for any comment.

I take exception to Ms Pupatello's request, and I do hope that she won't persist in doing this. We agreed as a subcommittee, as a committee, to follow through on this timetable, to invite as many people as possible to make a submission. If we were to allow five minutes here or five minutes there, we'd have people who, at the end of the day, will not be able to make a presentation.

The Chair: Mr Klees, we've dispensed with that issue. There is no unanimous consent, so I think we can move on. We're trying to get as many people on as possible, of course. Does that answer your question, Mrs McLeod?

Mrs McLeod: Only in part. The fact is that last night the subcommittee was put into a position of having to have this rather bizarre process today because Mr Klees was not given any authority to have us sit on Wednesday or Thursday. I just want to be sure that somebody has authority for us to take seriously the presentations that are being made during the rest of this afternoon and evening.

The Chair: My understanding when I asked the question was that Mr Klees will answer all questions and that staff is here available to answer any questions that Mr Klees cannot answer. Is that a fair statement of the position, Mr Klees?

Mr Klees: Of which I can't imagine there would be any.

The Chair: I imagine you are so well-rounded that you won't need any help.

Mrs McLeod: That extends to a carte blanche ability on Mr Klees's part to make recommendations to his colleagues for approval of amendments?

The Chair: That you'll have to put to Mr Klees.

Mr Klees: I'm prepared to make any recommendations. My colleagues will make their own decisions on that. I think Ms McLeod knows well what the procedure here is.

Mrs McLeod: I do indeed, which is why I raised the concern.

Mr Klees: Yes. We don't operate in our party as the Liberal Party does. We do have minds of our own. People are entitled to make their own —

Mrs McLeod: We shall see.

The Chair: I think we want to get away from that kind of partisanship and move on with the hearings. Thank you very much, Mr Joel, for being with us today.

Mrs Pupatello: Madam Chair?

The Chair: May I call the next presenter before I take your point, Mrs Pupatello? George Anand, thank you for being here.

1600

Mrs Pupatello: I guess my question is for the ministry staff who are here. Because the time was limited to each one of us, for example, my ministry briefing consisted of 60 minutes to deal with both the social worker bill and the child protection act. As you know, there are huge changes afoot in child protection and I think we might have been

accorded a longer briefing time by the ministry. We have some valid questions that we'd like to put to presenters. Unfortunately, I didn't have an opportunity to tell you that 15 minutes of presentation for each group hardly gives us a chance to ask some very valid questions.

You know that we agree with the intent of the bill, and it is a matter of in some cases finding better language for the bill, not because we're opposing the bill, which I understand the Conservative members may find difficult to believe.

In any event, the responses I had from the ministry when I asked them specifically about the controls that the college would have with regard to academic content, for example — which is the case that the last presenter put forward, I was told at the briefing that there is another section in the bill that leaves issues "as prescribed" in the bill.

I'm hoping the staff can follow that up with some information at this point so that the whole committee will know this, and that is, that ultimately the list of schools that would be put forward by the college that would have appropriate curriculum — or as seen by the college as appropriate curriculum — gets put forward by order in council and passed by cabinet so that ultimately it's the Ontario government, through cabinet, that controls that, not necessarily the college. It can be interpreted in that manner, but ultimately there is a process here that's a bit behind closed doors, that the cabinet ultimately will determine. For example, if some schools were left off the list, it is still within the purview of the cabinet of the government of Ontario to make that change or adoption of that list. Could the staff respond?

The Chair: Is it possible to give a response at this point from a member of the staff?

Mr Klees: I would prefer to answer that question. I think the intent of this legislation is very clear that the college would have that authority. Under no circumstances will cabinet interfere with a decision like that.

While we're at it, I take exception to the way Mrs Pupatello is conducting herself here. We have a presenter. We have a schedule. The subcommittee agreed to a schedule, and I ask that we keep to that schedule. If not, quite frankly, I think the process here is at risk.

The Chair: I will certainly conduct the process, but thank you for your advice.

Mr Klees: I just wanted to express my opinion.

The Chair: I'm going to say to all members that we're not reopening the subcommittee report. It's passed. We've accepted it.

Mr Klees: I would hope so.

The Chair: I will not entertain any further discussion on that in the interest of the individuals before us.

Mrs Pupatello: My question was for the ministry staff who you advised are here to answer these questions.

The Chair: I understood your question.

Mrs Pupatello: Now that I wish to have that clarified, I hope the staff will give me a brief response that we understand that is in fact how it will work as a process. The PA just now was telling me something different. So I

was either given correct information at a briefing so that we, as a group, would understand that the concerns that have been just raised by the last presenter are in fact valid and are strong concerns, or there is some process within the legislation that means the cabinet will have ultimate authority. It's fact or it isn't a fact, and I need the clarification.

The Chair: I heard your question. Is there anything you want to add, Mr Klees?

Mr Klees: I think I made my point very clear. The cabinet does not intend to interfere with the process. Obviously, cabinet has the ultimate authority, if it chooses to take that authority, but the intent here is that the college would conduct its business. We have every confidence that it will do so in a professional manner.

Mrs Pupatello: Chair, my question is intended for the ministry staff. Are you going to ask them to respond?

The Chair: Mrs Pupatello, you know how the committee structure works. It's up to the PA to determine whether there is any additional response that's required. He has given a response. I have no power to force ministry staff to respond in the face of that.

Mrs Pupatello: My point is clearly for the parliamentary assistant: Information that was presented to me on this issue is completely and diametrically opposed to what you've just said, so either you don't know this information, and if you don't know the information it's really OK to allow the staff who have dealt with it line by line, and as you've said, for the last decade, trying to get this bill passed —

The Chair: I understand your point. I think you've made it very clear.

Mrs Pupatello: I'd appreciate your allowing them to answer the question.

The Chair: Mrs Pupatello, that's really the point. It's up to the PA to determine whether he will allow the ministry staff to answer the question.

Mrs Pupatello: I'd like a good explanation as to why he feels that ministry staff are not capable of answering a question.

Mr Kormos: On a point of order, please, Chair: I understand what the Chair just said. The bureaucratic staff do not belong to the parliamentary assistant. If they're political staff, that's one thing. If they're bureaucratic staff, if they're part of the civil service, I put it to you, Madam Chair, that they belong to Mrs Pupatello — "belong to," I'm sorry, I'm not talking about ownership here — but they're available to Mrs Pupatello and to myself as members of the opposition, as they are to any member of the government.

I agree that the Chair cannot compel anybody to answer a question, that's quite clear, so I'm not suggesting that the Chair should compel people, in this case, the bureaucratic staff.

May I suggest, Chair, that one of the bureaucratic staff seat themselves beside Ms Campbell, the legislative research person. That means that person would be here at the table at a microphone to be available to answer questions.

May I also suggest that it's really an abuse for an elected member to direct bureaucratic staff. These people are probably not as well paid as they should be, but they are very competent. They know what questions are outside their scope as civil servants.

Also, please — here we are, we've got a short period of time. Quite frankly, I don't care whether we sit here until 1 o'clock, 2 o'clock or 3 o'clock this morning, but there are some serious issues to be developed here. This has not been a partisan issue, the social work regulation bill. There are some serious concerns that are going to be raised, and have been raised already, that quite frankly would be far better addressed in a more non-partisan mode in the brief period of time that we have and with a little bit of flexibility about the time frames.

So there are a number of things, but I would ask that the Chair direct that one of the bureaucrats — they're here, we're told, to be available to members of the committee — might sit up there, and if another one wants to sit beside me, God bless him or her, and another to my right or to my left, but let's have them sit down so we can ask them questions.

Mr Carroll: I offer a suggestion that might help a little bit. We have some presenters who have been scheduled into specific times. Their time is very precious. I also understand there could be some questions that need to be asked. We will be meeting, once the presentations are over, to discuss the bill clause by clause. Would it be a good suggestion for the staff to take note of the questions that are being asked and come prepared to answer them when we get into discussing the bill clause by clause, allow us then to have the presentations and respect the time of those who have volunteered to come forward?

The Chair: I point out that the subcommittee report does not allow for a ministry briefing which we would normally have. Given the time constraints, it was felt we would go right to the hearings.

I think Mr Carroll makes a good point that the committee should entertain, that it might be appropriate in the interest of time to hear the presenters, and the staff would take note of questions and those questions would be answered during that period of time we have for clause-by-clause. Would that be acceptable to everyone here?

Mrs Pupatello: No.

Mr Klees: Yes.

1610

Mrs Pupatello: Can you tell me why three staff people are sitting here wasting their time when they're not allowed to answer some very simple questions? They clearly have the information. We addressed it briefly during a very brief period of time we were allowed to have a briefing on this bill, which was brought in at the 11th hour of your term. You've made the calendar late. You could have brought this bill in at the beginning of your term. You've waited until the last month potentially that we're even sitting in the House. You have three people, paid for by the taxpayers, who now you are not going to allow to answer a very simple question.

With all due respect, we have a gentleman sitting here waiting to get on with his presentation. If I have questions of this individual, you've allowed us only if he agrees not to use up all his time. If I have a ministry question related to his presentation, you're telling me then that I can't ask these good people to give me their information because you don't want them to answer a question. This is absolutely ludicrous.

The Chair: You've made your point, Mrs Pupatello, and I think it's there for the record. I think Mr Carroll has made a very good suggestion which allows for answers to be given by staff and they will take note of the questions. I'd like to proceed at this point.

Mr Kormos: Madam Chair?

The Chair: Mr Kormos, is this a new point of order?

Mr Kormos: Yes, a new point. Chair, I'm from small-town Ontario. I'm not from the big city, but I've been around enough. I'm starting to get the drift here that this committee process isn't going to be particularly meaningful for the government members, that it's a little bit of a sham, so let's get on with it and get down to the brass tacks. Obviously it's not very encouraging to people who have come here at some great lengths on short notice to make presentations to be given the message, as I have, that the government isn't particularly interested in what they've got to say.

The Chair: Thank you, Mr Kormos.

GEORGE ANAND

The Chair: Mr Anand, thank you very much for your patience as we try and get through some very difficult points. You have 15 minutes for your presentation. If there is any time left over, I'm sure the panel will ask you some questions.

Mr George Anand: My name is George Anand. At this time I am a private practitioner. I am a capacity assessor under the Substitute Decisions Act, and I am in the process of becoming a court-connected mediator. I am working on my own right now.

What I would like to express here are some of my experiences that I have had in the time I have practised as a social worker for 27 years with the province. It's only since last year I decided to take early retirement and work on my own. Heaven forbid, for the last 27 years, on the different committees I've been involved in, we have been looking for similar social work legislation, but maybe I had to quit before seeing this legislation coming.

I do congratulate you — I was there in the Legislature — on the unanimity that was there the first time when the bill was proposed. It was heartening to see the kind of unanimous support that it received from all three political parties. I'm quite well aware that the first time the legislation was introduced was under the Liberals in 1987. That was the very initial beginning.

Since that time I also have been working trying to form an association. I was the founding president of one of the associations that I decided to create, not strictly for the social workers but for the social service workers. I took

this initiative in one of the largest institutions for the developmentally handicapped. I was very active in a union too at that particular time. I was representing at the human rights committee, the negotiating committee, and at different committees. I was quite active. To my surprise, some of the union activists also joined me in terms of circulating a petition to see what kind of response it could generate from the people. Usually they were coming up with the background of community college diplomas and they had never had an association of their own. To assess what kind of response it would generate, I and some other union activists circulated a petition, and to my surprise, there were 400 people who signed the petition indicating that they were very much in favour of having an association.

Subsequent to this, I circulated a questionnaire to see what was the rationale, why the people who had given the response were in favour of creating an association. When we analyzed that particular questionnaire, the response was very obvious. The first was they wanted to be able to create their own standards so that they would not always be burdened by inconsistent policies and guidelines from upper levels.

The second reason was that it would give them a good profile in the eyes of other professions.

The third indication was that somehow there was a gap between institutional and non-institutional workers; there were some standards of care and education, which existed for good or bad reasons, but that particular image was very much there. The people felt that if they had an association of their own, at least there would be consistent standards and education, and in the case of downsizing, in those kinds of scenarios, there wouldn't be that kind of a barrier. If an institutional worker wants to work in a non-institutional area, at least in terms of basic qualifications and standards, there wouldn't be that kind of image that they lack in certain areas of expertise.

Those were some of the reasons the people gave, and that made sense. I carried on with this association for a number of years. I must admit that this one did cross: There were people from the union ranks, the non-union ranks, different levels of management, and there were some people from the community colleges who decided to join this association.

Along with that, I have had a different experience in terms of working with my own association of social workers. I chaired one of the committees; that was concerning RHPA, the Regulated Health Professions Act. During our deliberations, when we were negotiating with the ministry at different levels, we felt not having legislation was posing a serious barrier. First, we felt it was posing a problem to us when we were negotiating with other associations which did have legislative coverage. Second, it was posing a barrier in terms of communicating with different ranks of ministry people.

Those were some of the issues which made us more and more convinced that we needed legislation, that in the beginning stages at least it would give us some kind of footing. The only recommendation I would like to make is that although it is very ambitious legislation, it is a good

start, and it needs to be reviewed after a reasonable period of time to see how well it's working.

The Chair: We have a couple of minutes per caucus. Mr Kormos, for the third party.

Mr Kormos: What's your understanding of what this bill will do with respect to a graduate with a BSW degree using the title "BSW" after their name?

Mr Anand: As far as my understanding goes in terms of having gone through the legislation, I am hoping this legislation will give them some kind of apparatus, some kind of mechanism through which they will be in a position of self-regulation, creating their own standard that they feel should be met by the BSW practitioners. It will give them some kind of a mechanism.

1620

Mr Kormos: Do you think there should be a distinction between social service workers and social workers, recognizing that a social worker can have a BSW, an MSW, a doctorate in social work? Which would Saul Alinsky have been?

Mr Anand: There is a different level of expertise in the knowledge base. It needs to be assessed. There has to be some kind of a mechanism or means on the basis of which you are able to assess the skill base and knowledge base people are bringing to their practice area. Not knowing any other way this question could be addressed, at this time it looks like it is the qualifications, the education, the credentials which could determine it.

Mr Carroll: You made the comment that you believe the legislation certainly was very aggressive but was a good start and should allow for review after a reasonable period of time. I presume you know there is a provision that after five years it would be reviewed so that changes could be made. That is a worthwhile suggestion you made, and it's nice to see it's already in the bill.

Our first presenter, Mr Joel, who started off by saying he agreed with the thrust of the legislation, had some serious concerns surrounding the fact that membership would be mandatory. When asked a question by my colleague Mr Klees, he said he thought it should be mandatory for private practitioners, not mandatory for those who were operating under some agency. How do you feel about the whole area of mandatory involvement with the college?

Mr Anand: I personally feel it would be a good idea. Right now we have the college, which is able to create the standards, the code of ethics and the practices which need to be followed in a very general way by all practitioners in the area. To my way of thinking, that does create a certain uniformity, and as a private practitioner I am all for it. It does help me. It has already helped me in my present work as a private practitioner.

The Chair: Mrs Pupatello for the official opposition.

Mrs Pupatello: Thank you for coming to make your presentation. I apologize, I was busy with legal counsel during the last half of your presentation. Being in the House, you're aware of all three parties' position on the bill, that on the whole all of us support it. Unfortunately, you were witness to some antics on the part of the

government that are making it difficult for us to get some very basic information about the bill.

Interjections.

The Chair: Do you have a point? Do you have a question?

Mrs Pupatello: At the end of the day, you'll likely —

Interjections.

The Chair: Excuse me, Mrs Pupatello. I'll thank all parties to allow me to conduct the meeting, the hearings. Mrs Pupatello, please continue.

Mrs Pupatello: How much time do I have, Chair?

The Chair: You have just under a minute.

Mrs Pupatello: Thank you very much for coming.

The Chair: Thank you very much, Mr Anand, for your presentation. It was very helpful to the committee.

CORIE BONNAFFON

The Chair: I call on Corie Bonnaffon. Welcome. Thanks very much for being here this afternoon. We're looking forward to your presentation.

Ms Corie Bonnaffon: By way of introduction, I'm a social worker employed by the Toronto District School Board, and I'm also a member of a provincial committee representing school social workers in Ontario. I'm delighted to have this opportunity to speak to you regarding Bill 76.

There are approximately 300 social workers hired by 27 boards of education throughout the province. I believe that the practice of school social work provides an excellent example of why a college for the regulation of social work and social service workers will be both a necessary resource to the profession and an important source of protection for the public.

Boards of education employ social workers because they recognize that a student who is preoccupied with personal or family problems finds it extremely difficult to concentrate or to give the necessary attention to academic pursuits. The impact of these problems may be seen in underachievement, acting out, disruptive or aggressive behaviour, truancy and eventually dropping out of school. That, in turn, often negatively affects not only that child but also the learning environment of his or her friends and classmates.

School social workers provide counselling to students from junior kindergarten to OAC, so from four years old to approximately 18 or 19 years old, as well as to their parents. We deal with issues ranging from anger management, a child's adjustment to divorce, the death or serious illness of a parent or sibling, truancy, and physical and sexual abuse. It is not uncommon for school social workers to deal with suicidal students or to work with grieving students when a schoolmate has died. School social workers are key members of many boards' crisis response teams, providing support to the entire staff and student body whenever tragedy strikes a school community.

Counselling sessions are conducted with individuals, families or groups. School social workers often spearhead

school-wide programs in areas such as safe schools, sexual harassment and healthy lifestyles. It is clear that school social workers are called upon to address many issues of an extremely sensitive nature. Their action or failure to act has tremendous, lifelong consequences for their clients, up to and including death by suicide. Although they can only work directly with students with the informed consent of their parents, the fact remains that social workers are working with very vulnerable young people and sometimes with their almost equally vulnerable families.

When considering the work done by school social workers, it is important to recognize not only the nature of the work in which they typically engage but also the sheer number of students with whom they interact in the course of a school year. In a survey conducted by the Ontario Association of Social Workers' school social work committee in 1997, of the 45 boards responding, the majority reported that social workers typically work with over 100 students each year, and that's per social worker; 13 boards described that their average social worker was seeing over 150 referrals per year. These students would attend a number of different schools over a considerable geographical area.

The question is, how are these social workers supervised? How are they held accountable for their practice? Does the system presently provide sufficient safeguards for their clients and the public? The same survey mentioned above discovered that only 24% of those boards responding had a senior social worker in a management position available to provide support and guidance in professional matters or to demand performance in accordance with the profession's ethics and standards. In the vast majority of cases, school social workers are responsible to someone whose background is in teaching and education management. That person's area of expertise is in the instruction of students and the operation of schools. It is not reasonable to expect him or her to provide direction in the appropriate professional and ethical standards for social work.

Here in Ontario schools are several hundred social workers. The majority of them work almost totally independently. They frequently make critical decisions regarding their clients, most of whom are children. Often, all of this is done without the oversight of any social work management. Clearly, school social work represents only one sector in which the profession is practised. It does, however, provide an excellent example of the significance of the legislation you are considering.

School social workers do a great deal of tremendous work. It is, however, impossible to believe that all of them are without human flaws or failings. Like doctors, psychologists, teachers and members of other regulated professions, the majority of social workers practise throughout their careers competently, responsibly and ethically. However, in instances — which are, unfortunately, inevitable — where those standards are broken, the public has the right to protection and to redress. For this reason, I look forward to the passage and proclamation of Bill 76.

1630

The Chair: We have approximately two minutes per caucus, and we begin with the government.

Mr Klees: You raise a very important aspect to the need for this kind of regulation. Quite frankly, I'm one who believes very strongly, particularly with our complex society today, that the role of social workers within our school system is probably going to become more and more important, particularly a need for professionalism. All too often we ask teachers to perform functions they're not qualified to perform. A lot of disciplinary problems result from very complex root problems that you, as social workers, are trained to detect and deal with. I thank you for coming forward and expressing your views. I believe my colleague may have a question for you.

Mr Carroll: Again on the issue of mandatory membership in the college, I gather from your presentation you think membership should be mandatory?

Ms Bonnaffon: I believe that the division between people in private practice and people employed by agencies is a foggy one. I think my example is a very good one. These are people who are working for a government agency, but the smaller the setting and so on, the less likely they are to have that kind of professional supervision that you might get in what people imagine as a prototypical agency, but I'm not sure that prototypical agency is as widespread throughout the province as people in Toronto might think.

The Chair: For the Liberal Party, Mrs Pupatello.

Mrs Pupatello: I don't have any questions, thanks.

The Chair: Mr Kormos for the third party.

Mr Kormos: The act prevents people from calling themselves social workers. First of all, do you think that distinction is fair, in view of the fact that if I have a BSW, assuming I'm acceptable to the college, I can call myself a social worker, and also if I have an MSW or a PhD, yet the person who has a college diploma only gets to call themselves a social service worker? Is that distinction fair?

Ms Bonnaffon: You say "only gets to call themselves a social service worker."

Mr Kormos: They want to be called social workers too.

Ms Bonnaffon: I'm a child and youth worker. I'm trained as a child and youth worker, and I'm very proud of that. That is a community college degree. I have no problem with that. I think that's quite an appropriate thing. I'm also a social worker. That's a different thing.

Mr Kormos: By virtue of?

Ms Bonnaffon: A master's degree in social work.

Mr Kormos: The act provides for penalties for using the title if you're not entitled to, but it doesn't prohibit — and this has been a matter of some concern to everybody — people from calling themselves therapists, counsellors, the whole nine yards.

Ms Bonnaffon: Right.

Mr Kormos: That's where there's a strong public risk, right, wackos out there who identify themselves as counsellors, therapists and what have you, dangerous people?

They are. You and I have read Toronto papers. We know what's going on. Should the scope of protection be extended beyond mere social worker?

Ms Bonnaffon: At some point, yes.

Mr Kormos: To include what?

Ms Bonnaffon: That would be your area of expertise and not mine. I don't know how you write legislation to include or exclude those kinds of people.

The Chair: Ms Bonnaffon, thank you very much for being with us today. We appreciate it.

MOUNT SINAI HOSPITAL

The Chair: Our next presenter is Mount Sinai Hospital, Glenda McDonald, director of social work. Good afternoon, Ms McDonald. Thanks for being here.

Ms Glenda McDonald: Thank you for inviting me to speak. As an employer of social workers and social service workers in the hospital sector, I am very pleased to speak in support of this legislation.

People served by social workers and social service workers in the health care system deserve the improved accountability that this legislation will provide. A common misunderstanding is that this legislation represents an unnecessary level of bureaucracy for employers because employers can and do ensure accountable practice. While it is true that there are policies and procedures that guide the practice of social work and social service work within our hospitals, these are largely operational in nature and do not necessarily ensure professional accountability, nor are employers necessarily seen as — and excuse me for using this term in this venue — non-partisan by the public.

Professional practice standards have their foundation in a professional code of ethics. They are most commonly monitored by a system of peer review and consultation. However, as hospitals move to more decentralized organizational structures, professional accountability is frequently the responsibility of the individual professional. This speaks very strongly to the need for enhanced public accountability.

Furthermore, this legislation will bring social work accountability in line with our professional colleagues of other disciplines who are governed under the Regulated Health Professions Act. Implicit in the existence of the RHPA is the view that sole accountability to the employer is seen as insufficient for these professions as a mechanism of public accountability. There was recognition that employers could expect adherence to operational policies and procedures, but they were not able to ensure all aspects of professional accountability.

For example, at our hospital and at many others it has become mandatory for social workers to be members of the Ontario College of Certified Social Workers as a result of changes in the Health Care Consent Act, which now includes members of OCCSW as assessors of capacity with respect to decisions for admission to long-term-care facilities. As this is a crucial task within the discharge planning function, it became necessary to ensure social workers were available to perform this

responsibility. The Health Care Consent Act clearly did not view employers being held solely accountable for determining who was qualified to undertake this important function.

Additionally, as the recent events at the Hospital for Sick Children have illustrated, there can be times when there is a conflict of interest between the needs of the organization and the duties of the professional. In such instances, the public needs to be assured that there is a level of accountability beyond the walls of the organization.

This concludes my comments, but I'd be pleased to answer any questions.

The Chair: We have about two and a half minutes per caucus. We begin with the official opposition.

Mrs Pupatello: Thank you for coming in with your presentation. It was very well done.

Mr Kormos: This is all the Newspeak. We've got to say "social service worker" and "social worker." I heard you and I listened carefully. Then you lapsed into just "social worker."

Ms McDonald: I knew I only had 15 minutes.

Mr Kormos: Yes, I know. Why are we making that distinction?

Ms McDonald: Because there is a distinction. There's a distinction in the level of preparation. I think the public deserves to know whether they choose to receive services from a social worker, who has these qualifications, or a social service worker. You're the one who's putting one above or below the other.

Mr Kormos: No. You said the public has a right to know whether they're getting one level of service or another.

Ms McDonald: I didn't say one was better than the other.

Mr Kormos: The level of preparation — you're implying that one has more preparation than the other.

Ms McDonald: No, they have different levels of preparation.

Mr Kormos: One has two years and one has four years minimum for a BSW, right?

Ms McDonald: Yes.

Mr Kormos: Why, then, shouldn't we distinguish between MSWs and BSWs? Should we distinguish between those two so that the public knows?

Ms McDonald: I think there's a commonality in the level of preparation in the progressive social work degrees that should still be — people who hold those degrees should be called "social workers."

Mr Kormos: I've been around here for 10 years and I've seen other efforts at this fail, because no way, José, were the BSW-MSW types going to include social service workers among their ranks; not all of them, but those were some of the conflicts in earlier efforts. Do you recall those?

Ms McDonald: I recall the conflicts, but I work with many capable colleagues who hold social service worker degrees and I have many colleagues who hold BSWs. I

hold both degrees myself. I have many colleagues who hold MSWs and PhDs. I think the differentiation is —

Mr Kormos: Some of my best friends are social service workers.

Ms McDonald: Mine too.

1640

Mr Carroll: Maybe you could just elaborate a little bit. You talked about the rights of the institution, I think you said, as opposed to the rights of the professional when you talked about the case at the Hospital for Sick Children recently. Can you go into that a little bit more?

Ms McDonald: I was speaking about the argument that I know has been put forward that such legislation is somewhat unnecessary for people who work within well-defined agencies, such as hospitals and others, I'm sure, in the social service field. What I'm trying to point out is that there can be occasions when it would appear that the interests of the organization may be in conflict with the duties of the professional.

I think that's what we saw happen at the Hospital for Sick Children. Had it not been the physician who essentially blew the whistle but rather, say, one of the patients in the study, would that patient have felt empowered enough to go to the hospital with their complaints? Would the hospital have heard their complaints when they didn't listen to the physician? Should that patient not have the possibility to go outside the walls of the hospital if they feel there's something amiss with the kind of service they're receiving from any professional? Because patients feel somewhat vulnerable and perhaps are still tied to the hospital and need to still receive service there, they may feel hesitant to complain about an aspect of their service, either (a) believing nothing will be done about it or (b) feeling that it may compromise subsequent care and attention. So to have somewhere they can go outside if they have concerns I think makes a lot of sense.

The Chair: Ms McDonald, I want to thank you for your participation at these hearings and for giving us your views.

Mrs Pupatello: I have a question, Chair. Are there any written submissions from those who are presenting today, not having been advanced the other copies?

The Chair: To the extent that there are any, the clerk will distribute them.

Mrs Pupatello: We haven't had any yet.

The Chair: You do have on your desk two submissions that were sent to us but they're not from presenters.

CENTRAL TORONTO COMMUNITY HEALTH CENTRES

The Chair: Our next presenter is the Central Toronto Community Health Centres, Lynne Woolcott, program director.

Ms Lynne Woolcott: I do have a written submission.

The Chair: Thank you. The clerk will take it from you and distribute it. We appreciate your being here.

Ms Woolcott: My name is Lynne Woolcott. First of all, I want to thank all of you for this opportunity to speak

to you today. Many of us working in social services have been quite concerned that this legislation was being passed too quickly, with so little opportunity for public consultation, so even this short allotment of time for public hearings is most welcome.

I have a master's degree in social work. I finished school in 1990 and began working immediately in the field of social work. For the past five years I've been working as a program director at a community health centre where I supervise doctors, nurses, social workers, social service workers and other program and support staff.

I will attempt in the short time to focus on the following points: Regulation is unnecessary, it will not serve to protect the public, it will be costly and it will impede the relevancy and responsiveness of social work.

The Ontario Association of Social Workers has long made the argument that people in Ontario are at risk without the regulation of social work practice and title. Yet to this day no compelling evidence of this has been produced, no thorough research, no public outcry, no community pressure to implement such measures.

Most social workers are employed in agencies and institutions that are committed to high standards of service and to public accountability through responsible hiring practices, community consultations, procedures for addressing consumer complaints, and consumer access to boards of directors and funders. Social work clients also have access to legal clinics, the courts, advocacy groups and the Ombudsman office. We should be working to strengthen these mechanisms and to improve access to them rather than setting up a new and costly system.

People coming to our health centre are encouraged to complete surveys and feedback forms, to discuss concerns with staff and managers, and to make use of existing anti-discrimination and anti-harassment policies and procedures. Several clients have become members of the board of directors so that they can play an important role in ensuring high quality of service for all our clients.

We encourage this type of accountability because we know it is ultimately much more effective than a college model, which in the fields of medicine and law is often seen by the public as intimidating, inaccessible and self-protecting. Professional colleges traditionally represent the more conservative elements of a profession. We have not, in our work in the health centre, found either the medical or the nursing colleges to be very helpful in advancing relevant community practice; if anything, they can impede responsiveness.

As well, as a community health centre that serves low-income and homeless people, we believe, as do most of us working in social services today, that many people in Ontario are indeed at risk, not because social workers lack certification but because of poverty, violence, racism, unemployment, homelessness and the erosion of community supports. We see these risks first hand every day.

It is becoming harder and harder for social workers to do their jobs well as their caseloads rise, clients' problems become much more urgent and complex, and the internal supervisory and support mechanisms are stretched. I

believe the people of Ontario would be much better served by initiatives addressing these key funding issues than by the legislation before us today, which has never received much support either among social workers or the communities they serve.

We believe that as well as being unnecessary, regulation will actually create harmful consequences. Restricting the use of "social worker" or the practice of specific social work functions only to people with university degrees or college diplomas who have passed subsequent tests administered by the college is a denial of the reality and indeed the strength of our profession.

People come into social work in many different ways, all valid and all contributing to a responsive, relevant and constantly evolving practice. Some have worked extensively in their communities without any formal training; others have had levels of education and experience in other countries. Some are social work graduates of universities, others of colleges. Many people working in our field were trained in other disciplines: theology, urban planning, environmental studies, sociology, public administration and adult education. Many were trained in other countries. Some have been trained through their experience.

For instance, at the health centre where I work we have five employees who are very effective in working with homeless people. Their effectiveness is largely the result of their past experience, having been on the streets. It would be a grave loss if their extremely strong work became restricted because of this legislation.

We need this kind of diversity in our field if we want to be able to provide effective services in the many different communities that make up Ontario. We know that financial barriers and lack of affirmative action in school admissions have historically perpetuated the dominance of university social work programs of white middle-class graduates.

Imagine a situation where communities — rural, aboriginal, immigrant, small-town, northern and low-income — are denied access to workers who are sensitive to and familiar with their particular needs because agencies feel pressure to hire only accredited workers. Employers need the autonomy to decide for themselves what level of qualifications are required based on factors such as agency mandate, budget and the community served. This autonomy means that we can provide more effective services to people at risk.

1650

We should also look at the cost of all of this. We're already paying through our taxes and tuition fees for university and college social work programs that are accredited and include rigorous admission and examination processes. Our health centre works closely with two schools of social work, helping to ensure that the graduates are well trained and have received relevant and closely supervised field placements. Do we really need to duplicate this by setting up whole other testing mechanisms for graduates before they can practise, especially

when there is no consensus on how competency in social work can be measured in a test?

Social work is generally not a well-paid profession. Social workers pay for their education and training, and now it's even more costly than ever before. Many also pay union dues. Regulation would add licence and membership and examination fees. Who will pay the cost of financing disciplinary tribunals and appeals, establishing and evaluating competency tests and administrating the regulations? The members? The public? Does anyone have any idea how much this will cost?

Some of you may remember the consultation process on this issue undertaken by the Liberal government in 1989-90. There were more than twice the number of submissions opposing the legislation as there were supporting it, and the ministry report concluded, and I quote, "It would be difficult to exaggerate the lack of consensus which has emerged from this consultation." Years have passed since that report and there continues to be no consensus, as is evident today.

Too much time has been spent on this issue by, dare I say it, small interest groups like the association of social workers and the Ontario College of Certified Social Workers, which combined have never been able to attract the membership or support of more than a fraction of social workers in Ontario.

We regret that this government seems to have been swayed by the flawed arguments into creating legislation that is costly and bureaucratically cumbersome — two things you have been committed to work against. I hope — and I know I am not alone in this — that you will choose to abandon it. There's much more important work to be done.

The Chair: We have about a minute and a half per caucus. We begin with the third party.

Mr Kormos: We're already witnessing this broad range of views about this. We got a letter here from a Brian Adams, a written submission which appears to support the legislation. He identifies himself as someone involved in counselling and psychotherapy service. He's totally unaffected by the legislation. This person has a number of degrees, it appears. The legislation only prohibits people from calling themselves social workers or social service workers. It doesn't prohibit you from putting up a shingle saying "counsellor" or "therapist" or what have you.

The Ontario Association of Social Workers, do they speak for all social workers?

Ms Woolcott: Membership is voluntary. I'm not a member.

Mr Kormos: Why not?

Ms Woolcott: Mostly because when I was a student at Laurier and the association came to present at my school — that was a long time ago, 10 years ago — I remember at that time I was fresh and new in the program and I asked a number of questions about who could be allowed into the program. I thought I was in school to be learning about how to make the society more just. What I remember from that experience is that my questions were

not very welcome. The association seemed to be more interested actually in the furthering of the profession rather than worrying about the clients and the kind of work I was trying to learn while I was in school. So it never held very much interest for me.

Mr Kormos: Thanks for coming here this evening.

Mr Carroll: Thank you very much, Ms Woolcott. You talked about there being no consensus. Until you arrived today there was. Every presenter, quite frankly, has come forward and supported it. I'm not saying that will maintain its way all throughout the day.

Almost all the other professions have a college that regulates them. I understand your concern about the public seeing them as being self-serving, because I think in some cases they are, but do you not see them having a role in regulating the professionalism or the standards of the profession? Do you not see them having a role to play in that regard, even if there isn't a role to play in interacting with the public? Do you not see that as an important role?

Ms Woolcott: As I said when I was speaking, I'm fortunate to work for a community-based organization and I think we actually do a better job of making sure there are good standards in the work that our profession —

Mr Carroll: But do all community organizations, do you think?

Ms Woolcott: A lot of them do. Most that I know do. I have a brother and a father who are lawyers and a mother who's a nurse and I don't have the experience that their affiliation to their professional bodies has helped them to maintain a good and just practice.

Mrs Pupatello: Thanks for coming today to speak to us. It was interesting when you said why you yourself didn't join the Ontario Association of Social Workers. You said that you thought it was because they seem more interested in advancing their profession, which I think is the purpose of it. It was interesting because I don't deny there's a purpose of social workers as a group to be highly concerned with clients and what's happening in clients' communities. Do you find any value, for example, that a college's role might be to advance and update training opportunities for its membership, those kinds of opportunities? Do you see that as positive?

Ms Woolcott: I think the model of the college of family physicians, where people have to continue going to training and others things, is really useful. That could still be a voluntary thing that could happen, training and all that, without legislating the title of "social work." I'm most concerned about the fact that even if the title becomes legislated, there is going to be nothing, as Peter Kormos said, to prevent people from doing the kinds of destructive work that I think everybody in this room is concerned about preventing. I don't think this legislation is going to do that and that's why I came here to speak today.

The Chair: Ms Woolcott, we want to thank you for bringing the perspective of yourself and your organization to our meeting.

ONTARIO COLLEGE OF CERTIFIED SOCIAL WORKERS

The Chair: Could I call on the Ontario College of Certified Social Workers, Mr Thompson. Thanks for being here. We're looking forward to your presentation. You're very familiar with the drill, I'm sure, with your expertise.

Mr Glenn Thompson: Perhaps. I have copies of the material I'm going to present, so I'll leave it here for you.

The Chair: Thank you. If you would be kind enough to give it to the clerk, she will distribute them.

Mr Thompson: Members of the committee, thanks very much. We appreciate the opportunity to be here. My name is Glenn Thompson and I represent the Ontario College of Certified Social Workers. I'm a member of the council and have been for several years. I've also been, at an earlier stage in my career, a member for six years of the board of the Ontario Association of Social Workers, then called OAPSW, some of you will remember.

I have with me here today, and she might be very useful to the committee before the evening wears away, Shannon McCorquodale, who is the registrar of our association and who has very long experience with us in the regulatory business, and I'll say more about her later.

As you may know, the Ontario College of Certified Social Workers has been in existence for 16 years as a volunteer-led, member-financed regulatory body for social work in Ontario. Our membership stands at over 3,000. We carry out all of the functions of a legislated regulatory body and we believe we do that very effectively.

Why do we need the legislation you have under consideration today then? The answer I think is very straightforward. Our process only covers those who voluntarily choose to belong. The majority of university graduate social workers in Ontario are not covered by voluntary regulation, and none of our social service worker colleagues have regulatory coverage in Ontario.

The OCCSW, our association, wishes to congratulate the government for bringing forward the Social Work and Social Service Work Act. We believe that this legislation can and will enhance protection of the public, as well as raise the qualitative level of social work practice across Ontario.

We agree with the Toronto Star editorial of November 22 this year which said, "Long overdue, the college will bring Ontario into line with other provinces, which have all recognized that these professionals can have as much of an effect on the well-being of Canadians as other doctors, nurses and psychologists."

1700

Protection of the public as they seek out and receive services of social workers and social service workers is the crux of the matter. At present, as service recipients, the public do not have the assurance that they are receiving service from a professional who is up to date with their professional development and who meets a high set of standards of practice, except if they assure

themselves that the social worker is regulated by the OCCSW.

The media frequently these days, unfortunately, cover instances, or have to cover instances, of what is reported to be substandard care in the social services. We're all too familiar with them. Poor professional practice can never be eliminated entirely — I think all the regulated professions would tell us that — but we in Ontario could do a much better job in this profession if we had a legislated mandate relating to the use of title and an assurance that practitioners are keeping up to date in their knowledge, among the several other key provisions of this act.

The act, as you know, proposes to create a college which would "establish and enforce professional standards and ethical standards"; "receive and investigate complaints against members"; address "discipline, professional misconduct, incompetency and incapacity"; "promote high standards and quality assurance" in the professions; "communicate with the public on behalf of the members"; establish and maintain membership qualifications; "approve professional education programs" for purposes of registration; approve and provide ongoing professional development programs; "issue certificates of registration"; "renew, amend, suspend, cancel, revoke and reinstate those certificates."

You know it all very well. I'm sure you've had it recited to you or looked it over very carefully, but it's important to recognize that this volunteer college that's been around for 16 years performs each and every one of these functions at present. We have a well-tested and highly efficient process which relies upon the expert legal advice of one of our major Ontario legal firms.

Most of the effort behind the staff scenes is carried out by volunteers who are members of the profession. As to concerns about the costs of this process, I think you shouldn't concern yourself with those because the current process is self-funding and the proposed process is self-funding. The members pay their own freight, as it were.

Our registrar, Shannon McCorquodale, is recognized as one of Canada's pre-eminent experts in the field and has recently contributed a chapter to a social work practice textbook. The chapter is entitled "The Role of Regulators in Practice." I see Frank Turner here, who is the editor of that book. If you're interested in knowing more about it, you can find him in the hallway, I'm sure.

I'm sure that Shannon might be of assistance to the committee today on questions of a technical or procedural nature, should you have them.

On the matter of cost to the taxpayer, as I said, the process is self-funding, just as the new legislation would be self-governing. This model has worked very well for years.

As legislators, you can increase public protection dramatically through your support of this legislation. The OCCSW is pleased to support passage of the act in its present form. Could it be improved? Of course. We're on record as an association as saying the act would be stronger if it included a section defining the scope of

practice for social work. Since the social service group may not be ready with a definition of "scope of practice" at this time, we think that section could be contemplated in the act and added later, perhaps by regulation. We think it would be a useful addition.

For social work, scope of practice has been well defined in our submissions and is included in the social work regulatory acts of other Canadian provinces. A scope definition isn't really very mysterious. It simply would set out the territory more clearly for this act's application for social work.

Second, we feel the act would be stronger if it included the right to subpoena individuals who should be heard at disciplinary hearings.

Third, it would be wise to have available to an aggrieved member of the public an appeal to an external body from a decision of the complaints committee if they're not in agreement with it.

OCCSW is very supportive that the Legislature proceed with this act. We appreciate the opportunity to speak to your committee and I look forward to your questions.

The Chair: We have just over a minute per caucus. For the government, Mr Carroll.

Mr Carroll: Just a quick question, Mr Thompson: You have a volunteer organization that probably will be put out of business, I would assume, if this act passes. The 3,000 members, what percentage would that be, would you guess, of —

Mr Thompson: We're not absolutely certain, but probably 25% or 30%.

Mr Carroll: Any idea why the other 9,000 haven't joined?

Mr Thompson: I think one of the reasons would be cost. It isn't cheap, of course, to join any regulatory group. Many of them are also members of the Ontario Association of Social Workers, as I am, so I pay twice, and people probably find that cost burden significant. They probably also say to themselves: "I don't really have to. This isn't a requirement on me. If somebody tells me I have to, then I will."

Mrs McLeod: One of the sensitive words, and I think it is probably fair to say it's a single word in the act for educators, is "approve," that the mandate of the college will be to approve professional qualifications. I'm wondering whether that word is necessary in your view, given all the rest that's in the act in terms of the college's ability to prescribe the educational standards and to issue certificates based on the standards. Is it necessary? Because it seems to imply the approval of the teaching and the body of learning itself.

Obviously somebody could not be admitted to the college if the program they had gone through didn't meet the college's standards. Does there need to be that suggestion that there's actually going to be hands-on approval of academic programs?

Mr Thompson: I think so. A lawyer would tell me better, but I think it would be important for the college to be able, especially, to approve those individuals who come from other parts of the world that we're far less clear on

until we investigate their qualifications and hopefully are able to approve them. I think it requires some kind of intervention to take a look at that and be sure the person is in fact qualified.

Mr Kormos: Very quickly; I haven't got a whole lot of time. I just learned that "CSW" after your name means you belong to your organization.

Mr Thompson: Indeed it does.

Mr Kormos: It reminds me of insurance brokers. Every time they go to a weekend conference, they add some more letters behind their name and it sort of offsets whatever inherent inferiority complexes they might have. It's true. Take a look at them.

Mr Klees: They want to be more like lawyers.

Mr Kormos: Some of us don't bother making reference to degrees, right? I'm just wondering if, in response to Mr Carroll, your organization will disband when the college is —

Mr Thompson: We hope it will be a major component in being transformed into the new regulatory body. There's all sorts of expertise, among the staff especially. Obviously the council itself, that I'm a member of, will disband.

Mr Kormos: Can social service workers join your organization?

Mr Thompson: No.

The Chair: Thank you, Mr Thompson. The committee is grateful you took the time to come here and voice the views of your organization.

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UNIVERSITY OF WATERLOO, RENISON COLLEGE

The Chair: The University of Waterloo, Dr Joanne Turner, director of social work. Welcome. We're very pleased to have you here. The clerk will be glad to take the briefs and distribute them.

Mr Kormos: I was going to help, Chair.

The Chair: You're always very helpful, Mr Kormos.

Mr Kormos: Any time.

Dr Joanne Turner: I am very pleased to have this opportunity today to speak in strong support of the Social Work and Social Service Work Act.

To follow up on an earlier comment, I have been a member of the Ontario Association of Social Workers for over 20 years and of the Ontario College of Certified Social Workers since its inception in 1982.

I am here today, however, as director of social work at the University of Waterloo, Renison College, a program which is committed to graduating social workers prepared for the rigours of today's practice and some of the issues under discussion.

My comments will be in point form and they will be brief.

(1) In 1982 Judge H. Ward Allen, in the report of the judicial inquiry regarding the Kim Popen case, spoke very strongly about the urgent need for legislation for social

workers following the terrible events surrounding that case in which a child died. Understanding all too well how this case occurred, we, that is, the members of the Ontario Association of Social Workers, strongly welcomed this recommendation and increased our efforts to bring it to fruition.

(2) As a former untrained social worker at the Catholic Children's Aid Society in Toronto, many years ago I became quickly aware of two things: (a) that I lacked both the knowledge and the skills to perform a very difficult job effectively; and (b) that when I was identified as a social worker, society assumed that I possessed all the qualifications of a competent professional, which was a very uncomfortable position.

(3) In more recent years, as a clinical practitioner, I have frequently been made aware of the growing numbers of persons from all levels of society who turn to social workers for help for a broad spectrum of problems. In my daily role as a social work educator concerned with practicum placements for our students, I know the difficulty of selecting cases which do not involve highly complex psychosocial problems. Thus the increase in both the numbers and the level of complexity involved brings even greater urgency to the need for public clarity regarding standards of practice and professional accountability.

(4) In the 1980s in my role as chair of the complaints committee of the then new Ontario College of Certified Social Workers, I became further aware of the urgent need for a mandatory structure in the province to deal with those very serious situations in which a social worker is accused of acting in an inappropriate and unprofessional way. If the accusation is justified, the potential harm to the persons involved is very real and very serious.

(5) Later, as chair of the council of the college, I was impressed by what an outstanding job the college had done in a relatively short time in developing and implementing a structure outlining both competencies of practice and disciplinary procedures for those persons who do not meet the standards. The difficulty has been that, as a voluntary body, only those who choose to become members do so.

During my terms in these offices I know we received many complaints suggesting highly inappropriate behaviour by persons identifying themselves as social workers, but not members of the college. In those situations, without regulation or legislation, little could be done to protect the public, and you can imagine the frustrations many of us experienced.

(6) Further, as an academic, I am aware of the tremendous and rapid changes in knowledge occurring within our profession. We graduate students we feel are fully prepared to begin professional practice. However, as with all professions, it is important that social workers maintain their level of competence in keeping up with the advances in research and in demonstrating that they have done so. A legislatively based, mandatory body as envisaged in the new act will ensure that this occurs. Mechanisms to ensure the process of ongoing education for all who bear the title "social worker" need to be in place. The continuing competency process has worked very well in our voluntary

college, as Glenn Thompson noted, but once more it does not govern all those who choose to identify themselves as social workers.

We welcome this new legislation. We see it as a culmination of a process that began in the mid-1960s when several senior social work academics in Ontario universities, in collaboration with the Ontario Association of Social Workers, initiated a process that has finally resulted, after many steps, in the first two readings of the Social Work and Social Service Work Act.

The Chair: We have about two and a half minutes per caucus. We'll begin with the Liberals, Ms Pupatello.

Mrs Pupatello: Your colleague who spoke before you listed a number of areas that the act would do in creating the college and then listed a whole list of things the college would do, two being to promote high standards and to communicate with the public on behalf of members.

In the last three and a half years, your colleagues who work in the field of social work have taken the biggest hit that any other government has delivered. You've lost social workers in the school boards, for example. They've been called "fat" and "bureaucracy" to be cut, despite their tremendous need to be there.

Would one of the roles of the college, then, be to promote high standards, so that, for example, you would be able to advocate on behalf of your colleagues that they should exist and positions should be kept, and, in communicating with the public on behalf of the membership, be able to speak out on behalf of those social workers who within some school boards are not allowed to speak out, with the terrible conditions that exist in some of the classrooms today?

Dr Turner: If I may address the first part of your question that has to do with whether we would enforce standards of practice, that is certainly one of the prime mandates of the college. It has been and it would continue to be under the new act. Remembering that the prime goal of a college is protection of the public, the major concern would be around protecting the public through standards. The members and their concerns, as we see it, would be well represented by our Ontario Association of Social Workers, whose mandate is to work on behalf of its members.

To date since 1982, when the college was first begun on a voluntary basis, we have had a working relationship with the Ontario association. While it hasn't always worked perfectly, it has worked well in delineating the role of each body, so that the association is really the body that advocates on behalf of its members and would advocate for loss of jobs etc. As you had commented, the college would be primarily protection of the public, promotion and maintenance of standards, continuing education, that particular piece. There would be with the new college, in our eyes, a continuing partnership between the two bodies.

Mr Kormos: That's of interest to me as well. You indicate you're a member of both organizations, the college and the association. Has the association been

outspoken over the course of the last three years when it comes to cutbacks, for instance, to social assistance?

Dr Turner: It has been quite outspoken. I don't have it with me today, but it would be possible for you to obtain if you wish a whole list of presentations, papers and different proposals that the association has made to the government with regard to various cutbacks, both in terms of professional positions as well as cutbacks in funding.

Mr Kormos: I appreciate you're not here as a spokesperson for the association, nor are you here as a spokesperson for the college. You're here as the director of social work at the University of Waterloo. We heard from one of your — she's not here. Ms Woolcott impressed the daylights out of me, because her perspective was one of getting out there, rolling your sleeves up and making changes. I find that impressive. Granted, she doesn't take the same view of the legislation that you do.

That's interesting, because we're going to hear from the association later. I haven't seen the submissions you refer to. For instance, I haven't seen the submission from the association that responded to workfare and joined with the United Nations in the condemnation of Bill 22 and the prevention of the right to unionize. I guess I'll have to address those to Mr Andreae from the association when he's here later. I appreciate the background from you.

Dr Turner: May I just make one comment? Just to pick up on your question about rolling up your sleeves and getting to the front line, I think many of us who have been working at setting up the college and promoting this act for a period of 15 to 20 years feel we have been rolling up our sleeves and at the front line.

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Mr Klees: Thank you for your presentation. Who and why would social workers be opposed to this being mandatory registration?

Dr Turner: I think we had one example a few minutes ago in the earlier presentation. Social workers are very busy people. They have enough to do. They work very hard to get through the week and to get through the month. Oftentimes they do not have time to become aware and to stay aware of the larger issues that are floating around in the province or in the country. Suddenly, with the introduction of this bill, a lot of people who have not had the opportunity or have not taken the time to become informed and to be interested and to take part in many earlier discussions feel as though they have not had a voice. They feel they are being rushed and they don't like this position in which they find themselves.

I think that for a large majority of people who have been involved, who have taken the time and who have worked for this, we feel like we're finally here, whereas people who have just recently realized that this is happening feel like, where did this come from? I think you would find that many of the people who are opposing membership and asking for additional hearings would fall into that grouping.

The Chair: Dr Turner, thanks very much for articulating your views here.

Dr Turner: Thank you very much. It was a pleasure.

SOCIAL SERVICE WORKER EDUCATORS' ASSOCIATION

The Chair: I ask the Social Service Worker Educators' Association, Benoit Dupuis and Shelley Styles-Mouland, to come forward. Thank you both for being here this evening. We are looking forward to your comments.

Ms Shelley Styles-Mouland: Thank you for having us. Both Benoit and myself are professors of the social service worker program in the college system, and I am chair and Benoit is vice-chair of the Social Service Worker Educators' Association. That's why we're here today.

As you've heard, the debate on the legislation in social work has been ongoing for more than 30 years, and social service worker educators have been involved in this discussion from the beginning. Our stakeholders include college educators, community advisory committees and some 20,000 graduates who are working in front-line social service agencies across the province. The vast majority of our stakeholders, we believe, support the premise of the legislation as it is currently drafted.

Several of the key points we support are as follows:

The principle of public protection and excellence in service: We definitely would concur with that.

We support the use of a standard code of social work ethics. In fact, all of our college programs adhere to the Canadian Association of Social Workers code of ethics. All of our students are taught that code of ethics, which is the same as the other social workers from the university sector.

We support the inclusionary nature of the legislation. In fact, this is essential in order for our group to support the legislation at all. If protection of the public is the key to the bill, then it definitely needs to be inclusionary. Social service worker graduates represent more than half of the workforce in social services right now.

We support the non-prescriptive properties of Bill 76, which does not regulate scope of practice. Our graduates work in a wide range of services across the province which must not be limited or restricted in any way by this bill. It must be up to the employers to decide the scope of practice of their employees.

We support the equal representation of all stakeholders on the new proposed college council. We would like to see, if possible, something that's not written in the draft now. We'd like to see on that representation that there would be representatives of the educational sector, someone from the college of social service workers and also from the university sector to be lumped in with those groups.

We are prepared to assist in the developing of practice standards for the social service worker sector and we believe we can offer some expertise in this area. We feel that the year that has been given for that to happen is fair and it can certainly be done in that amount of time.

We are prepared to assist in the transitional council in any way possible.

We believe that this is a positive initiative on behalf of this ministry and we have greatly appreciated the efforts made to consult with us on this issue over the last two years. In that consultation, we've always taken it back to our students in the program now. We have active community advisory committees which have been informed every step of the way. In each program we have upwards of 100 — 200 in some colleges — students who are currently out in agencies doing field practices. We have been informing these individuals along the way as well. So we feel there's been good consultation.

There has been good co-operation among the various stakeholders and we look forward to positive partnerships in the years to come. We urge the House to support Bill 76 and hope that this process will not be delayed. Thank you.

The Chair: Thank you. We have about three and a half minutes per caucus. We'll begin with the NDP.

Mr Kormos: Where do you folks teach, by the way?

Ms Styles-Mouland: I'm at Algonquin in Ottawa.

Mr Benoit Dupuis: I'm at La Cité collégiale in Ottawa.

Mr Kormos: Social service workers weren't always embraced by the rest of the social work professions in a regulatory scheme, were they?

Ms Styles-Mouland: No, I wouldn't say so.

Mr Kormos: What happened?

Ms Styles-Mouland: I think we've been at the table from the beginning.

Mr Kormos: Quite right.

Ms Styles-Mouland: We've been there all along and we've raised some awareness, I think, in terms of where our grads are, the type of work they're doing and their importance, and the wide spread of our graduates across the province. If we're looking at protection of the public, then these individuals need to be included.

Mr Kormos: I agree with you wholeheartedly about community college graduates being in the schema. The enthusiasm is mostly — not mostly, not solely, but in large part the recognition. That's my impression. Is it yours?

Ms Styles-Mouland: I'm not sure what you mean.

Mr Kormos: I didn't think you would. What I'm trying to get at is why community college graduates are called social service workers and BSW, MSW, PhD types are called social workers. I don't know why the legislation would want to maintain that distinction when there are community college graduates doing very sophisticated work in complex areas and there are BSWs doing intake work for community and social services, which doesn't involve a whole lot of counselling and involves more administrative type of work. Do you understand what I'm saying then?

Mr Dupuis: The names were given out by the Ministry of Education when the programs were set up. I know in French we don't — when our graduates graduate, until this time they always graduated with the title of travailleur social and not technicien en travail social. That's one of the things, the little discrepancies, but basically, the Ministry of Education when they gave out the titles for

one reason or another decided there was going to be a difference in the titles.

Mr Kormos: Do you support that distinction?

Ms Styles-Mouland: I would support that distinction because they are two different programs. I think the social service worker program is unique from the BSW or the MSW program. It doesn't diminish, in my mind, in any way the work that's being done.

Mr Kormos: Are they paid as much?

Ms Styles-Mouland: Sometimes they are, sometimes they're not.

Mr Kormos: By and large, are they paid as much?

Ms Styles-Mouland: Depending on the role they're in. We have colleagues working side by side with BSW people as well, and depending on the position, that's how they're paid. I think there's a perception that they're paid less, and in some cases they are for sure.

Mr Carroll: Thanks for coming forward with your comments. As educators, I take it from your endorsement that you think the act is fine the way it is. You think if we pass this act the way it is, no changes to it, that we've got ourselves a good piece of legislation that will accomplish what you said, I believe, has been worked on for 30 years. You feel comfortable with the act the way it is?

Ms Styles-Mouland: We feel comfortable with the act, for the most part, the way it is. We share some concerns that the first speaker, Mr Joel, brought up regarding restrictions in terms of educational requirements and that kind of thing, but because we're going to have equal representation on the council, we feel that this is something we can discuss and work out.

Mr Carroll: Can we talk a little bit about that whole academic freedom thing? He went to great lengths to talk to us about we absolutely must protect this academic freedom. He made some reference to one point. He was talking about 16 levels of approval he had to go through to do something, and I thought to myself, if that's academic freedom, maybe we need to take a look at it. It's a lot of levels. The whole area of academic freedom, is it so sacrosanct that we must sacrifice all to it or is there a way that we can protect the issue of academic freedom but also allow the college to have some input and some say as to what the academic standards and contents should be?

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Ms Styles-Mouland: I think it has to be up to the schools of social work, in our case the school of social service work, to determine what the educational requirements are. I can't speak to the university sector, but in our programs we have what we call CSAC standards, which was an implementation from the Ministry of Education which has all of our programs and social service worker grads in the province adhering to the same program standards. I think a lot of work went into that. Programs have all changed because of that and we're all consistently delivering those program standards. I think that has to stand on its own.

I see the role of the council being — I agree with the need to continue professional development and that we

would look at that in terms of what would be considered professional development; in other words, not just —

Mr Carroll: So work together.

Ms Styles-Mouland: Yes, work together. That's how I see it in terms of professional development, not so much saying what college and university programs — I think that has to stand on its own.

Mrs McLeod: I'll just follow up on the same question that Mr Carroll has raised in terms of the concern that educators have expressed both this afternoon and in direct communications with us earlier. I'm not sure that there isn't just an awkwardness to the wording under the mandate that's creating that sensitivity, because there are clear directions in the balance of the legislation as to what the college can and cannot do in terms of the setting of standards for admission to the college, including the educational standards that have to be met. But it almost implies a hands-on approval of the curriculum and teaching, which I think is causing a sensitivity for educators. If you want to comment on that, and then I think my colleague wants to make some clarification of just what is in the balance of the act in this regard.

Ms Styles-Mouland: I don't have any more clarification on that than you do at this point, but that is one area that we do want further information on for sure.

Mrs McLeod: So it is a sensitivity.

Ms Styles-Mouland: It may be. As you say, it's hard to interpret the words sometimes, so that's an area that we are wanting more clarification on.

Mrs Pupatello: I'll be very brief, Chair. I just wanted to mention that having cleared this with legislative counsel to ensure what exactly was in the bill in terms of approval, as was mentioned in the ministry's briefing, and that is that the regulations, while they're being made by this college, are reviewed by the minister and approved by the Lieutenant Governor. At that point it becomes official that those in fact are the regulations, so that there's always another step. In all of the different sections, both sections 18 and 36 in the bill, where it says the council outlines which programs are appropriate etc, all of that, while written by the council, is still subject to the approval essentially of the government.

Ms Styles-Mouland: The message we've been given clearly by the ministry up to this point is that the intent is to be self-regulatory. They are going to ensure that the council is fully represented by all stakeholders and that we will be self-regulating. I think that's important.

The Chair: Thank you both very much for being here this afternoon. We're very grateful.

CANADIAN UNION OF PUBLIC EMPLOYEES, ONTARIO DIVISION

The Chair: Our next presenter is CUPE, Ontario division: Margot Young, senior research officer; Peter Paulekat, chairperson, CUPE Ontario social service workers coordinating committee. I ask you to come forward. Thanks very much for being here. I note there are three of you. You might want to identify the third person for the

record. You have 15 minutes for your presentation. You can use it in whatever way you wish. If there's any time left at the end of your presentation, the committee members will likely ask you some questions.

Mr Peter Paulekat: As indicated, my name is Peter Paulekat. I'm the chairperson of the social service workers coordinating committee for the Canadian Union of Public Employees. Margot Young is a senior research officer for CUPE national. Lorne Trevors is a children's aid society representative on the social service workers coordinating committee for CUPE Ontario. Thank you for the opportunity to have the time to make this presentation to you this evening.

The Ontario division of the Canadian Union of Public Employees represents approximately 170,000 members in well over 700 local unions in Ontario. Of those 700 local unions, over 100 represent nearly 14,000 front-line social service workers, many of whom will be directly affected by the government's proposed legislation in Bill 76, the Social Work and Social Service Work Act. Naturally, we are concerned that we have never been consulted about this proposed legislation which has such a dramatic potential to affect the working lives of such a large group of our members.

I would go through the history around our concerns of the timelines and how quickly all of this has come about, but I think everyone is quite familiar with that and I won't take up my time reiterating that to you. I would like to say, however, that we certainly would expect that in a democratic society legislators have a broader obligation to the public and to public participation in the political process that would simply not allow a bill to proceed with this unnecessary and undemocratic haste.

We do urge the government to withdraw this bill and to allow consultation with the many client groups served by social work and social service work practitioners.

The lobby for this legislation has been vigorous. The creation of a regulatory body for social workers has been the focus of the OASW for over 15 years. This group is not widely representative of the divergent views held in the field. The association has a particular interest in the legislation, as it will result in an increase in its membership.

The OASW claims that Ontario is the only province without regulation of social workers. What hasn't appeared in the reports is that most social workers outside of Ontario are not compelled to become part of a regulatory body. Participation is either voluntary if the person is an employee of the government or an agency, or voluntary if the person does not use the title. This legislation will go much further than this standard by making membership mandatory for all social workers and social service workers, not simply those who hold themselves out to be registered social workers.

The OASW was able to extract a promise from Mike Harris when he spoke to the group as he campaigned for election. This campaign promise became the base for introducing Bill 76. It forms part of the so-called Common Sense Revolution. For CUPE social service members, it

makes about the same amount of sense as other promises of the Conservatives, which is no sense at all.

We believe that this self-regulation is a building block to privatization for the field. A self-regulating college will focus the blame for systems-wide issues on the individual worker, often the person with the least amount of control. Often practice standards can't be met due to crushing workloads and funding shortages that create competing demands. The government's responsibility for ensuring comprehensive programs and adequate funding will fade into the background as individual workers face attack.

In seeking legislation for the certification of social workers, the government purports to improve service to the public and to increase its protection through the maintenance and standards of practice of social work. This stated purpose implies that the public is in need of increased protection from those who practise social work and that this need has been identified as a result of the receipt, investigation and validation of numerous complaints.

It is significant to note that in the investigations conducted by the coroner into various children's deaths, the juries identified primarily systems issues like inadequate funding, unworkable caseloads and the lack of appropriate resources as being the most significant contributing factors. None of these issues would be dealt with by the legislation proposed in Bill 76.

We agree that the protection of the public must be paramount in the consideration of the regulation of the practice of social work. However, it is not evident to us that Bill 76 achieves any enhanced protection for the public.

We feel that the legislation proposed fails to take into account the important distinction between the minority of 20% of social workers who are private practitioners and the majority who work in the public sector social service organizations.

There are a number of people who undertake basic social work functions in private practice. Many of these people have social work training. An equal number come from widely divergent academic and experiential backgrounds. There is some justification for regulation of these private practitioners, given their lack of clear accountability. However, Bill 76 is simply not the vehicle for this regulation. Most of these people refer to themselves and advertise themselves as marriage, family or individual counsellors or therapists rather than social workers. In fact, Bill 76 will simply encourage a further migration away from the use of the title "social worker."

Another large group of social workers and virtually all of the people likely to be designated "social service workers" is the group who are employees of a group of agencies mandated by existing legislation or regulation to provide services in certain designated areas. The most obvious of these are the children's aid societies. There are other agencies such as local associations for community living and community mental health agencies that provide some mandated services. These workers are subject to supervision by their employer, as well as to the rules and

regulations set out in the legislation which mandates their work. This group is subject to significant legislative and public accountability by virtue of their employment status. They are already subject to criminal reference checks. In many instances, they are subject to the provisions and review processes that already exist in legislation like the Child and Family Services Act, the Consent to Treatment Act etc. These workers are also subject to the provisions of criminal and civil courts. Most importantly, these workers are subject to the supervision and direction of their employers.

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If these mechanisms are failing, it might be more worthwhile for the government to focus its attention on correcting the problems in that legislation rather than rushing to create new legislation based on an impulsive campaign promise.

Social workers and social service workers working for agencies practise under policies and procedures established for them, as I indicated, by agency management and ultimately, for the most part, by boards of directors who represent the public whom this legislation is apparently attempting to protect. Most of these agencies have well-established client complaint mechanisms which deal with any complaints that the public may have against the policies or practices of a particular agency.

It is also important to note that agencies provide services in ways that are sensitive to the needs of the local community and sensitive to the ethnic and cultural values of that particular community. To do this involves the hiring of people from diverse academic and experiential backgrounds. This legislation would potentially limit the access of these people to employment and destroy some of the richness of experience and background that currently exists in the field.

Of significant concern to us is the layering of an additional level of accountability on top of what already exists. It would be expensive not only for individual workers but also for the system as a whole. If there are conflicts between the college and the mandate or direction of agencies, we can foresee only difficulties for the worker. The employee is obligated to take direction from his or her employer and as a consequence may be subjected to an expensive hearing in front of the college discipline board. Self-regulating bodies can set up conflicts for workers: Do they meet the demands of the regulator or their employer?

There are no standards set for the practice of social service workers. The application of regulation for this group goes far beyond the standard for any other province. No professional body or school has established a practice norm for this potentially large, yet poorly described, group of workers. There is no clear definition of who will be included in the definition. We are surprised the government is leaping into such murky territory. Setting a homogenous standard for this varied type of work is simply not practicable.

The social services field is unlike other self-regulated fields. Personal skills such as sensitivity, empathy and

intuition can't be learned from books, yet are valuable qualities. Social service workers have divergent backgrounds and the nature of their work is varied. They could be recovered alcoholics working with alcoholics, a rabbi counselling a member of the synagogue, refugees working with fellow refugees, people working with children and adults with developmental disabilities or child care workers. It is not clear who will be regulated and who won't be. Further, what standard will be imposed for the many kinds of work that could be captured by this legislation?

People can be grandparented in who do not meet the criteria. However, the college can then set educational requirements for them to meet. This could drive valuable social workers and social service workers from the field and encourage a homogenous group of workers that would result in a diminishment of the diversity that now exists.

The legislation appears to provide the same standard for misconduct for everyone. This seems patently unfair. There should be distinct standards set for practice standards and, resulting from those, distinct standards for misconduct.

The college will be allowed to register social service workers if a person has received a diploma in social service work from a social service work program or an equivalent program as prescribed by regulations, or has an equivalent combination of experience and academic training. In both instances, you will have to pay a fee as required by the college.

A person who is not a member of the college will not be allowed to use the titles "social worker" or "registered social worker" or the titles "social service worker" or "registered social service worker." No one will be allowed to represent themselves as one of the above unless they are a member of the college. Anyone who uses the title who is not a member of the college is subject to fines of up to \$10,000. These fines are high compared to most provinces. Remember that some of our social service members make abysmal wages, some lower than \$20,000 a year. Many of our members don't come anywhere near the high incomes of academic social workers, private practitioners or executive directors from where the OASW draws many of its members.

Many of our members work part-time. There seems to be no accommodation of the low incomes in this field. High fees will result in more people leaving the field.

The college will compel members to either take out liability insurance that meets the standards set by the college or join an association that provides liability insurance. This creates a further financial burden and fails to recognize the existence of liability for employers. Liability risks should be different for employees.

We agree with the Social Work Reform Group spokesperson Pat O'Connor, a program director who holds a master's degree in social work, who says: "The college will deflect attention from government cuts and 'scapegoat' underfunded front-line workers.... This is nothing but self-promotion and an attempt by some to enhance their professional status

The majority of us in the field don't think our profession should be going in this direction. We should be putting our energies into addressing the inequities in this province. We shouldn't be aligning ourselves with the professional elite and that is what O'Connor, a program director who holds a master's degree in social work, had indicated.

As far as recommendations are concerned, again, at the outset, I would indicate that we do oppose the quick passage of this legislation. We feel the serious problems in this legislation could have been avoided had other groups and other organizations, individuals who provide service and service providers been consulted. This government has failed to consult us on an important social work practice issue, even when the coroner has recommended it. This refusal to consult results in poorly crafted legislative frameworks.

There are a number of recommendations listed that you have in front of you. I would like to draw your attention to two specifically, the first one being that if the legislation passes, make it apply only to those who want to hold themselves out as registered social workers. Employees of government or listed government-funded agencies would not be required to register as their employers and other legislation perform the function of overseeing the standards. As well, provide protection for employees from conflicts with this act or any other act, as well as protection when they are carrying out their duties as employees. There should be no action under this act against employees who have done or omitted to have done in good faith in the performance or intended performance of duties as an employee.

The Chair: We have just under a minute per caucus, and I would remind members that we have a vote that's scheduled at 6 o'clock.

Mr Carroll: Just a very quick comment. I'm not disappointed in CUPE's consistency. On every bill we've ever presented, the position was, "Withdraw the bill." So it's nice to see you're consistent.

CUPE is a union and an organization. You talked about the voluntary nature of this bill and you're concerned about that. CUPE is an organization. Is membership voluntary?

Mr Paulekat: There is a democratic process in which members can determine —

Mr Carroll: But is membership voluntary?

Mr Paulekat: It goes through a democratic voting process.

Mr Carroll: Membership is not voluntary. Right? CUPE is an organization and membership is mandatory, and yet you're concerned about mandatory membership in this college.

Mr Paulekat: Our members are not going to have the ability to vote on this legislation and to determine from the field those who would be obligated to participate or to be registered, as to whether or not they want to do that. There are other people who are making that decision on their behalf.

Mr Carroll: So you agree with mandatory union membership and not mandatory college membership.

Mrs Pupatello: Given your comments regarding all of the other mandated legislation, for example, the children's aid, my frustration as a member of the opposition, in light of a government that has had more cuts in its three and a half years to put social workers and their environment at risk and especially risk to the client groups they serve, is that never have you and your colleagues faced this kind of battering at the hands of this government.

My fear is that social workers as a group, social service workers, to be inclusive of everyone, view this as some kind of a little candy or a bonbon before an election. All of a sudden, "Social workers, look what the Conservative government has done for your group." I know that all of you presenting today will be helping us ensure that people know that in fact is not the case, that social workers have never been subjected to a more difficult working environment as you've had under the hands of Mike Harris and all Progressive Conservative MPPs.

Unfortunately, the mandate of the legislation as it is has not served to protect social workers in the field. In fact, in children's aid specifically you have not gone forward with being able to outline what an appropriate caseload is, for example, and that's mandated services by the government.

I'm very respectful of your position on this bill. My greater concern is that even with legislated, mandated services that your members work under, because of the system under this kind of government in social fields, we have been unable to make them understand the kinds of working conditions and what they should be.

Mr Kormos: Thank you, sisters and brothers, for presenting this. Unlike some of the other people here, I welcome the contribution that CUPE and its members have made in this issue and in a whole bunch of other issues. I think your points are well made. Unfortunately, I think you got the message from Mr Carroll that your submission here isn't worth a tinker's dam insofar as the government's concerned.

Mr Paulekat: Unfortunately, brother, I think —

Mr Kormos: I don't think Mr Carroll, equally unfortunately, understands that workers in a workplace can decide to form a collective bargaining unit and join a union, can decide not to or, once they've decided to, can similarly decertify that union. Heck, I see that as somebody who only belonged to a union for a short period of time when I was working in the mines in British Columbia. Your contrast to this legislation is what? How is that distinct from what this legislation does to you?

Mr Paulekat: Certainly I have not received, nor has anyone I've spoken to who works directly in the field, any kind of an invitation to be consulted around this particular piece of legislation. I think CUPE, as well as other social service labour representatives, has taken opposition to this type of legislation historically, so it's not a new stand for us. It creates double jeopardy.

The Chair: Thank you.

Mr Kormos: Go ahead.

The Chair: Unfortunately, we are out of time.

Mr Kormos: We're not shutting down till 6, Chair. Go ahead.

The Chair: I do want to thank you, members of CUPE, for coming here and giving us your views. Thanks very much.

We are recessed, ladies and gentlemen, until 6:30.

The committee recessed from 1753 to 1834.

ONTARIO ASSOCIATION OF SOCIAL WORKERS

The Acting Chair (Mrs Lyn McLeod): Are we ready to resume? The first presenter, Dan Andreae, is here, the Ontario Association of Social Workers. Dan Andreae is here to present or celebrate; I'm not sure which one. Welcome, Dan.

You have the minuscule time allotment of 15 minutes, and we have to exercise the Chair's discretion to make sure it stays within 15 minutes, or we're going to be here until 2 o'clock in the morning. I'm sure you'll appreciate this dilemma.

Mr Dan Andreae: I understand, Lyn, for sure. What I'll do is address some remarks, Madam Chair, and then Joan MacKenzie Davies, our executive director, will carry on as well. I know you've been sitting all afternoon, and we'll be through soon enough.

Indeed, first of all, it's a great pleasure to be here. As president of the OASW, I've had the privilege of being the leader of the association's campaign for several years and have worked around the table with many of you on this issue, which has been worked on for a very long time. I'm pleased that after so much hard work we've arrived at this point in the process. I know that many people across the province have been very helpful, some in this room here, in advancing the effort. I know that I'm joined tonight in this room by many social workers across the province, both in thought and spirit, who have worked very hard on this issue to make this day a reality.

Certainly many of you know about the OASW. The Ontario Association of Social Workers, a bilingual membership organization, as many of you know, is one of 10 provincial associations of social workers belonging to the Canadian Association of Social Workers, which in turn is a member of a 55-nation international federation of social workers. OASW has 15 branches and three chapters across Ontario. There are approximately 3,000 members with university degrees in social work at the doctoral, master's and baccalaureate levels.

Social workers work in many sectors in society, often with the most vulnerable people in our communities, and some people here in this room may have actually obtained the services of a social worker. If not, maybe relatives, friends, loved ones have. I can certainly assure you that constituents of yours have gone to social workers, and I'm sure you would want to make sure that those people who are seen by social workers are seen by the most competent, professional and trained people possible. That's what this bill will do: It will help to extend the scope of public protection.

OASW is very pleased to be here tonight to support Bill 76, the Social Work and Social Service Work Act, 1998, which we believe represents excellent, sound legislation to protect the public in Ontario. We have worked with three governments and seven ministers of community and social services over the years to arrive at this point.

This process has really been an exemplar, we believe, of participatory democracy because over the past decade this issue has been debated, discussed, researched extensively in many fora across the province. Certainly, over the past two years, the Ministry of Community and Social Services has consulted with key stakeholders on a regular basis, including conducting a national survey across the country, to find what works well and what doesn't work in terms of making a unique and, we think, progressive act for Ontario that meets the unique needs of the province.

Inevitably, no piece of legislation is going to satisfy 100% of people all the time, yet Bill 76, after a lot of painstaking work, reflects a consensus among major stakeholders. Any possible changes, if there are any that do come up, could be addressed by regulations following third reading and proclamation. We are also pleased that there is a five-year review built into the act that can address any issues that may arise in the interim that way.

As you know, Ontario is the only province in Canada, and indeed the only jurisdiction in North America, without any form of regulation for the practice of social work. A member in a previous government got up and said it's unconscionable that Alabama should be ahead of Ontario in this regard. The fact is this glaring omission is about to be rectified and Ontario can join the rest of Canada, a development enthusiastically applauded by the Canadian Association of Social Workers. As John Mould, the president of CASW, stated in an article he recently wrote, "The introduction of social work legislation in Ontario is, indeed, a notable social work milestone in Canada."

Bill 76, as we know, is all about strengthening public protection in Ontario through the establishment of a regulatory legislated body. We commend the government for, first, widening the scope of public protection in Ontario by including in this bill community college graduates from accredited social service worker programs and, second, for including substantial public input into the council's regulatory body. As you know, it'll be a seven-seven-seven situation, with seven members of the profession, seven community college representatives and seven members from the public, which we think is a good thing.

To that extent, Bill 76 is the most progressive social work and social service work bill anywhere in the country and, we believe, could be a model for the future in other areas and jurisdictions in which we take great pride in that way.

We commend all the enormous preparatory work that has gone into making this legislation a reality and appreciate that all three parties with whom we have worked — and I won't mention names, but I know you're in the room here — for years in support.

Interjection.

Mr Andreae: Jack, Frank and Lyn, absolutely, and —

Mr Klee: Go ahead.

Mrs Pupatello: He's only been here three, thank God.

Mr Andreae: Sandra has been very supportive and Peter has too actually. We've had many discussions, Peter. All parties are on record as saying they support this bill in that way.

1840

The one area that we do wish to have some clarification on is a possible discrepancy regarding the issue of continuing education in the bill. In the compendium that was sent out prior to the actual bill's being delivered, in section 2, page 2, under "Objects," there is reference made to the fact that the proposed college would "approve and provide ongoing professional development programs." However, in Bill 76, separate from the compendium, the following objects for the proposed college were outlined, and under object 5 it says, "To provide for the ongoing education of members of the college," and article 7, "To establish and enforce professional standards applicable to members of the college."

We take "education" there to mean, again, education the college would do to enforce professional standards and would not refer to professional development programs per se, because should that be the case, then there would be profound implications for many community organizations out there who are providing continuing education. That's a clarification that we would ask for.

We are here to commend all three parties and to commend the government for moving ahead with what we believe is first-rate, excellent legislation.

Joan, I'll pass it on to you.

Ms Joan MacKenzie Davies: OASW believes there is a strong need for legislation to regulate the practice of social workers and social service workers in Ontario in light of the changing environment in which social, health, criminal justice and school or educational services are currently provided. While in the past the public was assured adequate protection as the result of internal reporting and accountability mechanisms within agencies and organizations, this can no longer be counted on due to the massive restructuring of social and health services; the flattening of organizational structures, which has reduced middle-management and supervisory positions; the increasing shift in health care from services provided in discipline-specific departments to program-based service models, wherein social workers frequently report to non-social workers; the growing trend in social service delivery towards the outsourcing of social and health services, with social workers increasingly practising off-site; and the rapidly expanding number of services now offered outside the auspices of publicly funded agencies and organizations.

OASW believes that the vast majority of social workers and social service workers are highly competent and ethical in their practice. However, like all other professions, the potential for social workers and social service workers to perform their duties incompetently or to abuse their positions of power and trust exists. Given the sensitive nature of the services we provide and the vulner-

able and disadvantaged populations frequently served, mechanisms of accountability need to be strengthened to ensure public protection. Currently, the only recourse available to the public is provided through existing agency mechanisms or through the court system, which, as we all know, is an expensive and highly public forum.

All of the major professions in Ontario are accountable for their practice to professional regulatory bodies. OASW contends that the public interest is best served by requiring social workers and social service workers to adhere to similar levels of accountability. Accountability to employers should not absolve social workers and social service workers from accountability to their professional regulatory body, whose role it is to monitor adherence to the profession's code of ethics and professional practice standards.

Last, opponents of Bill 76 have expressed concerns about the financial burden posed by membership in a regulatory body. Indeed, financial costs are always an area of consideration, and special attention will need to be directed towards ensuring that fees be kept at an affordable level. It will therefore be incumbent upon the 21-person transitional council which will be charged with the task of setting up the new college to ensure that bureaucratic structures are kept at a minimum and costs are contained.

OASW maintains that passage of Bill 76 is an essential component in consumer protection in these complex and changing times. OASW also strongly believes that the vast majority of social workers support and welcome the opportunity to reflect to the public their commitment to public protection through membership in the new self-governing regulatory body.

We thank you for this opportunity to address you today.

The Acting Chair: We have about a minute and a half per caucus for questions and we begin with the official opposition.

Mrs Pupatello: In order for social workers and social service workers to be members of the college, it's likely that they will be employed as social service workers and social workers; they likely are doing that for a living. No government in the history of Ontario has had such massive hemorrhage in the firing and laying off of social workers and social service workers as this current government has done to your industry and to your colleagues.

Some of the people before you spoke about the kind of role that you would play. Because agencies who are directly funded by government are unfortunately in a position in today's environment to be afraid to speak up for what is happening to their clients, social workers and social service workers in the industry, for example, just can't say how awful it is for the client because of the lack of funding. They can't say it because their agency won't let them. What I'm hoping will happen is that this kind of college, through what has been identified earlier as your role, will be able to line up exactly what is appropriate in the workplace, the conditions that your people, your colleagues, would be working under, what's appropriate in terms of resources to actually allow them to do their job. I

hope you will work with us when we say we've had enough bloodletting in your industry and we haven't such a need for your colleagues to actually do work as we have today in Ontario.

Mr Andreae: It's important for sure. It's important to recognize that the college, this brand-new body that will be based on the solid foundation of the existing body, will be there for public protection. The association will remain the body of advocacy. Indeed we do as well and have taken part in several bills, which Joan could address in that way, but we look forward to working with you.

The Acting Chair: I know Joan could address it, but we have to move on to Mr Kormos.

Mr Kormos: When you spoke here to Bill 142, you expressed concern about the limited consultation process on Bill 142, that the hearing process was not as inclusive or widespread as it could have been. The hearings around this bill are limited to one day and one evening, far shorter than the hearing process related to Bill 142. Do you have similar concerns about this bill and the consultation process as you did about Bill 142?

Mr Andreae: This bill has been 15 years in the making in a sense. It's been through three governments, including your government actually. We know you know the issues, we know you've debated them and discussed them, and we know that the ministry did encourage briefs to be sent by all different groups. Indeed, we were included among other major stakeholders in the major consultations. Many letters were received by the ministry. So it's been a long-standing bill. We feel in this case that people had a chance to be heard.

Mr Kormos: Do you ever speak with CUPE? They were here earlier today, as you know, CUPE, Ontario Division, expressing concerns, they say, on behalf of their membership. Do you ever speak with them about their concerns about the legislation?

Mr Andreae: We have indeed. We've met with CUPE before and talked to them and they may not agree with parts of the bill. They're privileged to do so, based on their conscience, and we respect the democratic process to make their position heard and they were given that chance today.

Mr Kormos: Why weren't social service workers allowed to be members of the Ontario Association of Social Workers? You indicated bachelor's degrees, master's degrees and PhDs.

Ms MacKenzie Davies: There is an existing association of social service workers.

Mr Kormos: Whey weren't they allowed to be members of OASW?

Ms MacKenzie Davies: It isn't a matter of their being allowed; they have their own organization.

Mr Kormos: Why weren't they allowed to be members of OASW?

The Acting Chair: Thank you, Mr Kormos. For the government.

Mr Klees: Probably for the same reason that I wouldn't be allowed to be a member of the NDP, Peter.

I want to thank you, Dan, for your presentation, which had me lifting out of my chair — your enthusiasm for this.

As a government, we want to thank you and your organization for all of the good work you've done in bringing this bill to this point. Seven ministers, three governments, 10 years, certainly —

Mr Kormos: It's 15.

Mr Klees: It's 15 years. Thank you, Mr Kormos.

Mr Andreae: I'll tell you quickly. It goes back actually to 1966, and when I spoke in Owen Sound a while back, there was a guy in his 80s who put up his hand and said, "Our first foray into this, Madam Chair, was actually in 1932." You could argue 60 years, but certainly 15 years.

Mr Klees: I would think that even Mr Kormos would agree that 32 years is really considerable consultation and that it probably would be appropriate for us to get on and give approval to this bill and have it passed.

The Acting Chair: You have 30 seconds to say yes, Mr Andreae.

Interjection.

The Acting Chair: Mr Kormos, Mr Andreae has a 20-second floor.

Mr Andreae: Actually, Peter is on record and his party is on record as supporting this bill as well. Believe me, it's necessary to encourage public protection and strengthen it, so we look forward to his joining us tomorrow or the next day in third reading to make this bill a reality.

Mr Kormos: I can't join you; I'm not a social worker.

Mr Andreae: You'll be a part of the new body, then.

The Acting Chair: Thank you very much. On behalf of the committee, I apologize that after 30 years it was a 15-minute slot.

1850

BARBARA CHISHOLM

The Acting Chair: Is Barbara Chisholm present, our next presenter? Welcome.

Ms Barbara Chisholm: My name is Barbara Chisholm. I am a professional social worker in private practice, and a member of the committee that has worked for many, many years to bring this day to fruition. I speak to you tonight with two hats. I speak as a member of OASW, and proud to be, and I speak for myself as a professional social worker.

It is the responsibility of any profession to be responsible: responsible for the production of the product they produce, they sell; responsible for the delivery of that product; and responsible for the professional activity of its members.

When we speak about that in terms of social work, I mean the product which equips us with proper training to intervene in or to be a part of the lives of people who require assistance in whatever aspect of their life is in trouble; responsible for the delivery of the product through a definable set of demonstrable skills; and responsible for the professional activity of its members through the

accountability that extends beyond the employer, that is, to the profession itself.

This implies both the necessity for and the provision of quality control mechanisms both within and by the profession: the use of quality endorsed materials — using the metaphor of a product still — that means for us good services properly administered; the use of properly trained personnel at all levels, and the more difficult the task the more skilled that practitioner should be; the use of layered supervision from the bottom right up to the top, consultation and an internal accountability, with demonstrated capacity for the job; use of an external quality control system to ensure the establishment of standards and codes of ethics, adherence to those standards and codes, and a process for intervention and appropriate action when such adherence is said to have been breached, ignored, abused or violated.

No profession is immune to the effect of HNF, human nature factor. No matter how socially necessary and/or socially endorsed, all human service endeavours suffer from time to time from HNF. There is incompetence; compromised ethics; personal crises which interfere with or reduce a capacity for practice; poor judgment, bias and arrogance; downright laziness; and criminal behaviour.

All recognized human service professions, the obvious ones being of course law and medicine, have mechanisms which acknowledge this reality. These mechanisms provide for identification of those members who have or appear to have lost sight of their professionalism and succumbed to one or more of the listed behaviours or conditions.

Such mechanisms serve both the public and the professional members, the public through a demonstrated willingness to hold its members accountable for their practice, and the members by a demonstrated protection against irresponsible or malicious attack.

Social work is a profession which meets the criteria for responsibility with a capital R. There is a formal body of knowledge, there are definable and demonstrable skills, and there is monitoring of its members. Voluntarily, OASW established a professional accountability mechanism in 1982. After 15-plus years, we know that formal professional accountability is necessary and that a new college can and must provide that. The profession of social work then can reassure the public that we take our responsibilities seriously and are prepared to self-govern effectively within the context of this legislation.

It is a telling coincidence that this government has embarked at this same time on critically important amendments to the child welfare legislation. I commend the government on these changes, which are excellent. The recent occurrences which prompted government action highlight the critical role played by social workers in the lives of many of Ontario's children. The Child and Family Services Act amendments will be greatly strengthened by the parallel passage of the Social Work and Social Service Work Act. Together they will help to restore public confidence in the services and the personnel that carry Ontario's child welfare responsibility.

Good law and good practice, monitored by a good accountability mechanism — for us, a new mandated college — bring and maintain good service.

One last point may be useful. Increasingly, professional social workers are moving into private practice. This trend is another indication of the maturing of the profession. Independent practice, however, is also subject to HNF, and practitioners have put up their shingles without any requirement concerning readiness or accountability.

Entrepreneurial practice of social work meets many human needs, just as agency or institutional services do, but the public is entitled to appropriate consumer protection. The new legislation and the new college will ensure that any private practitioner meets the requirements of training and therefore will be accountable.

Issues of lifestyle, marriage, divorce, planning for children, special needs children, adolescent school failure, substance abuse, unexpected/unwanted pregnancy, spousal abuse, child abuse, planning for Alzheimer-affected parents — all these and more come to the private practitioner. Is it not obvious that Bill 76 is essential to truly validate what social workers do and how they do it?

Thank you for this opportunity to speak to this committee this evening. I look forward with great anticipation to learning that Bill 76 has passed third reading and that it has been proclaimed.

The Acting Chair: Thank you very much. We have slightly less than two minutes per caucus, beginning with Mr Kormos.

Mr Kormos: Mrs Pupatello can have my two minutes.

Mrs Pupatello: Thank you. Thanks for coming today to speak with us. I mentioned to the last presenter that never in the history of Ontario have we seen such cuts in the social service area by the Progressive Conservative government. It's almost ironic that they would bring forward this piece of legislation. There are parts of it I would like to have seen us give more time and consideration to, in particular the academic point of view addressed earlier on, but the parliamentary assistant to the minister actually won't allow ministry staff to answer our questions, if you can imagine working in this kind of environment. Nevertheless, here we are, supporting in principle this bill.

What's ironic about it is that social workers, in particular those who work for children's aid, are under tremendous pressure to perform, due in large part to the massive cuts to the system. What one of the presenters said earlier is that because of this lack of resources, an absolute scrambling on the part of an agency to try to meet the demand, people are looking to blame someone and they're looking at social workers. The people who have their hands on the clients then tend to get the blame for what's going on.

1900

The irony is that we're going to see a parade of individuals from your field command the government and put it in writing, this very same government that's actually the root cause of some of the most significant social ills that we have in Ontario today, specifically the cuts to

agencies whose work is more needed today than ever because of so many of the policies of the government. I just wanted to hear your comment on that, knowing that in general there's certainly support for this bill.

Ms Chisholm: I'm not in a position, I suppose, to specifically speak to the cuts issue, because I don't consider myself fully enough informed about all of those budget issues. Certainly, all of us in our profession constantly wish that we had all of the resources available to us that we believe we need in order to really enhance the standard of living of all of the people, children and adults, in Ontario.

This legislation is not intended to address all of those issues, and of course those are very critical issues. However, the issues in terms of the skill, the competence, the monitoring, the supervision, the awareness and the capacity of all of our practitioners is what will be enhanced. I hope that in time we will see a levelling out of many of the financial problems that Canadians as a whole are facing, not just the people in Ontario. Those issues certainly exist. I would hope that we would not believe it necessary to wait until we all feel safer with our economy before we enhance some part of our capacity to perform. This legislation is essential to that capacity.

Perhaps the years that will follow, with the transition committee and the redesignation and restructuring of our new college, will help to set in place those things that we need by way of good, ongoing, continuing training. For example, I would like to see us explore the notion of an internship after final professional training so that there are specific skills developed before people fully meet the public, just as some of the other professions do. Our profession should give very serious attention to that. Then perhaps, by the time the economy situation is less difficult and less concerning, we will be in a strong position to contribute to the issues as we see them in Ontario.

The Acting Chair: Thank you very much. Ms Pupatello, with your consent, I believe that was Mr Kormos's time. But since we've run about four minutes, I will move to the government. That constituted both the official opposition and the third-party time.

Mr Carroll: Ms Chisholm, I want to compliment you on what was a very balanced, thoughtful answer to what was obviously a very political question. Thank you very much for that.

We've heard from a lot of people today. We've heard from the Ontario College of Certified Social Workers, we've heard from the educators, we've heard from the Ontario Association of Social Workers — all very supportive of this legislation.

We've also heard from CUPE. I want to quote you a couple of things they told us. They started off by telling us, "We would urge the government to withdraw this bill." They told us they represent nearly 14,000 front-line social service workers; your organization represents about 3,000. They asked us to withdraw the bill. Then they went on to say that the OSAW has a particular interest in the legislation as it will result in an increase in its membership. "It is unfortunate that the government has chosen to

rely on representations of this group and ignored other legitimate views in the social work community."

Then they go on and quote a lady by the name of Pat O'Connor: "The college will deflect attention from government cuts and" scapegoat "underfunded front-line workers..." This is nothing but self-promotion and an attempt by some to enhance their professional status. The majority of us in the field don't think our profession should be going in this direction."

Here we have CUPE representing, they say, 14,000 people, totally opposed, asking us to withdraw the legislation. We have people like yourself and others come forward very supportive — unqualified support. As legislators who don't understand your industry, who should we believe?

Ms Chisholm: Sorry, the last part of your question?

Mr Carroll: Who should we believe?

Ms Chisholm: Oh sir, you don't really mean to ask me that question. I'm aware of this. There's never been 100% unanimity. This room represents the reality of, how do you ever find what anyone calls unanimity of point of view? What you find is workable compromise based, you hope, on accurate facts, accurate prediction and a sense of standard and ethics. Out of that comes the next step forward.

I understand something of their point of view. I certainly don't agree with it. There is nothing self-aggrandizing in this legislation for any of us who don't belong to CUPE. I'm in private practice. I've been in private practice for over 20 years. I can still wake up at 4 o'clock in the morning because I got patterned wondering about how I would pay the rent the following month while I was trying to build that practice. I have long since come to terms with the fact that if I wanted to be financially very comfortable, I would go and do something else. I do what I do because I believe in it, I love it, it is what I believe I was intended to do.

I want the profession to be enhanced, not myself. I think social work has arrived at the point where it is now going through its late adolescent, early adult crisis where it's now saying, "I need to get away and stand on my own two feet and I'm able to do so."

The Acting Chair (Mr Bruce Crozier): Thank you, Ms Chisholm. I believe our time has expired.

Ms Chisholm: I could go on, clearly. Thank you very much.

JEWISH FAMILY AND CHILD SERVICE

The Vice-Chair: Do we have the Jewish Family and Child Service, Gordon Wolfe? You perhaps already know this, but you have 15 minutes. If at the end of your comments there is any time for questions and answers, we'll proceed till the time allotted has expired. Welcome.

Mr Gordon Wolfe: Good evening. As already indicated, my name is Gordon Wolfe. I'm the executive director of Jewish Family and Child Service here in Toronto.

Jewish Family and Child Service has been in the social work and social services business in one form or another

for over 130 years, providing counselling, support and a myriad of services to the greater Toronto community as well as more recently, back in 1981, being mandated as a children's aid society for the Jewish community in greater Toronto.

On a personal note, I've served as executive director of Jewish Family and Child Service for 17 years and previous to that was executive director of a youth agency in Toronto for seven years. I've been a professional social worker for more years than I care to remember at certain times these days, but for the record, it's been 37 years. Coincidentally, it feels that the issue of regulating the profession of social work has been on the agenda for almost the full 37 years of my professional life.

Social workers are known for their patience and understanding. God knows the field has exhibited both these characteristics in working with several governments over the years in an attempt to bring to the field some formal regulation which will provide a legal structure for standards and accountability. I don't have to tell any of you that we're living in a world where there is a greater need for accountability, certainly true for those of us in the child welfare business.

Quality assurance, clients' rights, evaluation, outcome measures and accreditation are now part of the daily vocabulary of human service organizations across Ontario. I see this proposed, long-awaited bill as part of that general move within Ontario to improve standards and accountability and provide public protection against potential professional abuse.

1910

I understand that some critics of the proposed legislation indicate that there are already plenty of mechanisms and structures in place within the social service agencies and therefore there's no need for legislation. To a certain extent, that's true.

At my agency, we have mechanisms in place through supervision, ongoing review of client files and well-documented procedures to deal with service complaints. Having said that, I would argue that there is still a need for an accountability mechanism that goes beyond our agencies. Even in an agency such as mine, where a social worker is accountable to a supervisor, there is no redress for a client if those in authority choose not to take any action, particularly where there may be a conflict between the client's interests and the interests of the agency. In such a case a client may face an even more formidable defence in a civil suit should the institution itself become involved.

I'd like to read you now the contents of a letter recently signed by over 40 of my staff indicating their support for the legislation. By the way, we are a unionized shop under CUPE, and over 30 of the staff members who signed the document are members of the union.

The letter said as follows:

"The Ontario government has indicated that it will soon be introducing legislation providing for the statutory regulation of the social work profession. As many of you know, social worker legislation has been a long-standing

promise of Premier Harris since 1989 and indeed was a commitment made in the 1990 and 1995 election campaigns.

"In addition, the Ontario Liberal Party has been supportive of this legislation which was also a campaign promise in their 1995 campaign platform. Furthermore, an NDP member introduced the private member's bill to enact social work regulatory legislation in 1992 which received all-party support."

The letter goes on to say, "Ontario," as you've already heard, "is the only province in Canada, in fact the only jurisdiction in North America, without some form of regulation of social work practice. This upcoming legislation will provide legislative clout to a regulatory college comparable to similar professions.

"Members of the public currently do not have legal recourse" — as I've already indicated — "to address concerns they may have about the competence and ethics of services rendered by social workers. All Ontarians, including the most disadvantaged, such as women and children, would benefit from public protection.

"The legislation will be self-financed and will not cost the taxpayers any additional monies."

The letter goes on to say, finally, "The upcoming legislation marks an exciting time in Ontario when we have an opportunity to implement a social work act which truly reflects this province's unique needs and diversity as we embark upon a new millennium."

I add that a similar letter was sent in January of this year to the Premier, with a copy to the Honourable Janet Ecker. The contents of the letter were basically the same. We have been, as an agency, hammering away at this problem for a long time.

In those letters we expressed concern that anyone today can call himself or herself a social worker regardless of his or her educational background or practical experience. The staff of my agency indicated that the lack of such regulation is not tolerated in other professions and should not be tolerated in the field of social work.

Although many members of the profession are employed in government agencies and other institutions where checks and balances are in place, I'm concerned about the regulation of the increasing number of social workers who are in private practice, for whom at this time there is no incentive to subject themselves to the standards and the disciplinary measures of a regulatory body if they don't have to.

As well, there are no mandatory reporting requirements, as there are with other professions. This means that incompetent members who are fired from one job may simply pick up and go to another or set up a private practice. In fact, there is no public accountability of social workers in private practice other than through the courts, an expensive and often intimidating proposition.

One last point: I noted earlier that my agency also provides counselling services to individuals and families. For many years the family service agencies across Ontario have attempted to be included in extended and group health plans which are provided by many employers to

their employees. These plans help meet a wide variety of services not covered by the provincial health plan, such as the services of a psychologist, a chiropractor or a physiotherapist. When any attempt was made over the years to include social workers, the answer was always, "You are not regulated or registered."

I believe that if this legislation passed, it would provide an opportunity for registered social workers to be included in such plans and for agencies such as mine and the other family services agencies across Ontario to generate revenue for counselling services.

Finally, the proposed bill, as already indicated, has been a long time in coming. The great majority of social workers whom I know applaud introduction of legislation which will regulate the profession. I urge all provincial parties to support what has already taken too many years to be introduced.

Thank you for the opportunity of being here. I'd be prepared to answer any questions you might have.

The Acting Chair: Thank you, sir. We have approximately two minutes per caucus, beginning with the government caucus.

Mr Kees: Thank you very much for your presentation. I was going to ask a question of the previous presenter about whether research had been done regarding the support for this legislation from among social service workers who were members of CUPE, to determine whether the presentation we heard here was primarily a leadership presentation or whether it really represented the rank and file of people on the front lines. Your presentation certainly gave us an insight into the fact that probably, to a large degree, the individuals one on one welcome this kind of legislation for the reasons you mentioned. I thank you for bringing that to our attention.

Mr Carroll: The idea of mandatory as opposed to voluntary membership: Do you see any problem with the mandatory nature of the membership as prescribed in this act?

Mr Wolfe: No. I think it will take some getting used to. Some people within the field will wonder where the fees are coming from. But in the long run, I think people will accept it. Again, I can only talk for my own agency. We have about 80 or 90 staff, with about 60 social workers on staff. By the way, I think I can also talk, to a certain extent, for the other two major children's aid societies within Toronto, where you have a lot more people. I certainly haven't heard great resistance. There's some concern about this and the implications for it. People are asking about grandfathering and things like that, which I think the act deals with. But no, I don't see that it's a big problem that this is going to be mandatory.

Mrs Pupatello: Thank you for coming to speak with us. In response to the last comment that was made, you don't have mandatory enrolment in this college. People will still choose whether they want to belong. There is no mandatory nature about the college whatsoever.

You talked about mandatory legislation and how this will help the field of social work. In Windsor, Bernie Smith — you may have known him well for many years

— is quite exceptional in his work as the director of our children's aid. Under this mandatory legislation called "child protection," they were unable to remove a 12-year-old child who was found in his home with a loaded gun under his bed. That's because the system of CAS simply isn't resourced enough and has suffered cuts for so long, specifically by this government, that Bernie Smith, on behalf of those who work with him, could not respond to the needs of this child; nor could the children's mental health agencies help the family, who had tried for weeks in advance of finding the loaded gun to get this child into care or that social workers working for those agencies could have actually wrapped their services around this child. It just didn't happen. That is under mandated legislation of child protection.

The irony of this legislation — I spoke about it before you came to speak to us. In and of itself, it's maybe out there as "Isn't that a good thing?" But the reality you have to work with every day goes far beyond this bill, which your colleagues have been trying to mount for the last 20-some years. The truth is that we should be spending this legislative time trying to find a way to properly resource your industry.

The Acting Chair: I'm sorry that there isn't any time for an answer.

Mr Kormos: Sure, he can respond, Chair. It's my time now.

The Acting Chair: All right. Go ahead, sir.

Mr Wolfe: I think the proposed changes to the Child and Family Services Act will answer some of the concerns you've raised, particularly the right of child welfare workers, child protection workers, to be able to move more on situations like you described. I'm not sure what that has to do, frankly, with this piece of legislation.

Mrs Pupatello: Sir, that's exactly my point, that in this day and age children's services are in the most severe crisis Ontario has ever seen, and this bill, which really is very well supported — I mean, I support the bill. We could have used more time. It was very badly managed in terms of waiting to the 11th hour to bring it in — ridiculous. But the truth is, we have a crisis, a crisis that the government has not addressed, in the industry you work in, Mr Wolfe.

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The Acting Chair: Mr Kormos, one minute.

Mr Kormos: Thank you, Chair. I knew it would all work out.

If you read the comments in the Legislature, be it on first reading or even on second reading — and some people got hysterical and panicky in reaction to some of the comments on second reading. They should have had counselling in terms of how they responded, because they were almost hysterical responses. They weren't careful in having heard what was said.

I'll speak for the New Democrats, as Mrs Pupatello has for the Liberals. We support the principle, but we also respect the concerns expressed today by CUPE members and by others and we'll be presenting amendments to try

to meet some of those concerns within the structure of this bill.

Thank you for coming. I'm pleased to hear what you have to say. So far so good, unless between Mr Carroll and Mr Klees, and maybe with Mr Andreac's helping, they snatch defeat from the jaws of victory. They're doing their best, not understanding that people agree with the proposition but there's some criticism that we're going to try to address.

The Acting Chair: Thank you, sir, for coming.

Mr Carroll: On a point of privilege, Mr Chairman: I'd like to correct my record. When I made reference to mandatory membership, I should have clarified for Mrs Pupatello that I meant mandatory membership if somebody wanted to call themselves a social worker or a social service worker.

The Acting Chair: Thank you, sir. The Chair doesn't appreciate the comments considering privilege, when somebody from your side said she's "a piece of work."

Mr Klees: I didn't hear that.

The Acting Chair: I heard it, and I know who said it.

JUDY TSAO

The Acting Chair: I now call on Judy Tsao. Welcome.

Ms Judy Tsao: My name is Judy Tsao. I'm here today to express my concerns regarding the proposed Social Work and Social Service Work Act. I have a master's degree in social work. For the past five years I have worked in the social housing sector, specifically supportive housing for those with mental health issues, those who have been homeless and those otherwise marginalized.

Today I would like to talk about the issue of protecting the public. I would also like to address the compulsory stipulation included in this act.

First of all, I am not convinced that an act of this nature would protect the public from ineffective social workers. In all the agencies I have worked with, they all have internal systems that would ensure that a client is served to the best of people's abilities. For example, when a client is not satisfied with a worker, she or he can approach the worker's manager. If the issue is not resolved, then the client can approach the agency's executive director. If the issue still is not resolved at that level, then the person can approach the board of directors. If that fails, the client then can approach the agency's representative at the government. There are also external bodies that can provide support for people.

As you can see, the present system provides quite a few options for an individual with complaints with a particular worker. In my past experience, clients have used this system to express their concerns and most conflicts have been resolved.

I strongly disagree with the argument that adding another body to regulate social workers will protect the public. What about other workers who do not call themselves social workers or social service workers but work in the social services field? This act is limited and adds another layer of bureaucracy that a client has to deal with.

At present, if a worker has misused her or his power or has been ineffective, the individual would be reprimanded and be dealt with within the agency.

If management at an agency believes that an individual's misconduct should prevent her or him from practising social work elsewhere, then a registry of social workers can be set up to record this information. The agency then can report this individual and have her or his name listed in this registry. Other agencies can check this registry for an employment reference. I can see how this may protect the public.

This brings me to my second point. I strongly oppose making it compulsory for social workers to register with the College of Social Workers, to pass an exam to use the title of "social worker," and to pay expensive professional fees that many people may not be able to afford. I disagree that this would decrease the instances of misconduct and protect the public.

Social work is such a diverse field that the kind of compulsory registration proposed in this act will not necessarily protect the public better than the present system that I mentioned earlier. If certain social workers, such as those who work in hospitals, would like to be certified or registered, that is fine. Their certification should be voluntary.

Another point to consider is that this act will not prevent those in private practice from using titles other than "social worker." How, then, would this act protect the public from unscrupulous or ineffective private practitioners?

To close, from my five years of experience working in the supportive housing sector, I have seen people at risk many times, mainly due to lack of resources and support. Once I took a client to the hospital because she assaulted her sister, uttered death threats to her doctor, attempted to hurt herself and did not take her medication for an extended period of time. After she was admitted to the hospital for an involuntary assessment, she was released after four days because her bed was needed for someone else, not because she had been stabilized. The original plan was to discharge her after 48 hours. I was horrified and feared for her sister's and her own safety. I had to do some heavy-duty negotiation with her doctor to extend her stay. This kind of incident occurs more frequently as the number of psychiatric beds are being reduced and more hospitals are being closed.

People's stresses are increasing due to reduced welfare cheques and fewer services available to them. The present social housing stock is so limited that there are over 50,000 households waiting to be housed. Working families with children are more and more at risk of being homeless, and develop various health issues due to continuous budget cuts in the health and social services sectors.

The current social situation can be improved, but the political will to date seems not to be present. Poor people are being punished, and their suffering is unnecessary. On a daily basis I receive phone calls from people who ask me about our own agency's housing waiting list and the central housing waiting list. I do not know what to say to

people any more. People call and tell me that they have been waiting for years, and all I can say to them is that five to seven years is an average waiting time. People tell me their tragic stories and how they need housing right now. Workers from other agencies tell me how their clients are in desperate need of housing right now. I feel very sad and hopeless. I feel very disgusted at our present political system that allows this kind of poverty to exist and to continue in our society.

The real risk facing the public is a lack of adequate funding. Policing and regulating social workers through this act is a misguided and myopic approach to protecting the public. If this government is seriously concerned about the public being at risk and not just concerned about keeping a promise to a small group of people, then please put more resources into the system to help alleviate poverty and decrease suffering.

I have a letter here which was written by my executive director and addressed to the Honourable Janet Ecker. I still have time so I'm going to read it quickly. It's very short. The executive director at Supportive Housing Coalition, Brigitte Witkowski, wrote:

"Dear Minister:

"I am writing to express my concerns about the government's intention to adopt the proposed Social Work and Social Service Work Act. Although I understand the government's commitment to act in the best interests of the public, I do not believe that this is the most effective approach.

"I believe that this act, if passed, will duplicate existing structures and create new layers of bureaucracy. The move to add bureaucracy is opposite to the directions your government has set in terms of cost-effectiveness and value for money.

"I am concerned that the act will aggravate a two-tier system within social work between those with college diplomas and those with university degrees.

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"The act would exclude the multitude of models of social work practice which have been proven to be most effective in a province whose diversity is found in a wide variety of rural and urban settings, as well as diversity in local communities.

"Finally, I am concerned that the stated goal to protect the public will not be met. Agencies such as mine are the best guarantee of high-quality social work practice. We are an organization governed by a board of directors who are committed to quality service and who set the standards against which agency and staff are evaluated. Supervision, performance appraisals and ongoing training and holding staff accountable is the basis of protecting the interests of our tenants who are persons living with serious mental illness. This agency-based due diligence protects the public far better, I believe, than a body which runs the risk of being a professional association which becomes inaccessible to the public.

"Although I appreciate the intention behind the proposed legislation, I am concerned that the special interests of a small segment of the social work field are being met

at the cost of a more efficient and effective social work practice.

“Yours truly

“Brigitte Witkowski, Executive Director

“Supportive Housing Coalition.”

The Acting Chair: We have two minutes each, beginning with the official opposition.

Mrs McLeod: I appreciate your presentation. I think you have identified, as a number of other presenters have done, that there are two issues, and I think it's important that we not lose one while we focus on the other. I think you've quite appropriately, as my colleague has done repeatedly this evening, drawn attention to the fact that we cannot provide adequate service or protection to the public without adequate resourcing in the fields that social workers are engaged in.

Given the background in your particular field of supportive housing, I would love to spend the rest of the evening talking with you about service gaps in that particular area. I wouldn't even mind talking with you about it in my particular community.

But I want to come back to the act. I happen to believe that voluntary standards of accountability simply don't represent the same assurance to the public as a regulated standard of accountability. Others will point out that it's not compulsory for people to belong to it in order to use the name, so that people who use that name or those names, as set out in the act — there is a recognized standard of what that means. It seems to me it's important that we have that kind of regulatory framework.

One of the things that intrigues me, and I was interested in it, is that in your third paragraph you mention that in the current system you can work through supervisory levels, but if the supervisory levels fail, the client can then approach the agency's representative at the government. I'm a bit surprised at that. I would be very nervous about bureaucrats making decisions about professional practice and becoming involved in discipline of staff members who are not their direct employees. Are you suggesting that happens now?

The Acting Chair: You have about 15 seconds.

Ms Tsao: Definitely not. I thought of an example. At one of the other housing places I worked at tenants were frustrated, so this one individual went to a representative at the Ministry of Housing. I think this individual encouraged problem-solving; not so much that this individual solved issues or problems but this individual brought back issues through the organization and further dialogue. For the tenants to feel this empowerment, that this individual can actually go to the government and say, “Hey, I'm not happy about this; I'm not happy about how this issue was dealt with,” I think it's a real empowerment.

Mr Kormos: I've got to be real fast. I'm starting to get the drift of things a little bit. It's taken me a while to catch on. You're the first person who has acknowledged that there is a little bit of a division between social service workers and social workers. I'm starting to remember that the problem last time around with this type of legislation was that the social workers didn't want to be grouped in

together with the social service workers, if I remember correctly. Other people today have tried to pretend, “Oh no, they're all equal, except some will be social workers and some will be social service workers.” Then the Ontario Association of Social Workers says, “We won't let social service workers join our association because they have their own organization.” That smacks of “They have their own clubs, they have their own neighbourhoods.” I think there's a little bit of a schism there.

Also, I'm sensing that there's an establishment in the social work profession that may be a little more conservative than others. Is that a fair observation as well, that there's one group that tends to be perceived as pretty establishment and maybe they've had their day but they're certainly not in the vanguard any more? That's pretty bold on my part, isn't it? Am I wrong to get that sort of impression?

Ms Tsao: I think it's hard to answer that. I went to the University of Toronto and I can't represent all the universities. I have a master's. I found it pretty conservative there. In general, it's pretty conservative. There are various social work schools that try to be progressive, but I think this legislation will prevent a lot of creativity. For example, people from other countries may not use social workers and the title “social worker.” They may have a lot of varied experiences, but when they come to this country, they may not afford university fees, for example, and they may go to community colleges and get a diploma. So to say that you can't call yourself a social worker because you're social services, it's not that simple. There are structural inequalities. I think this will make it two-tiered.

Mr Kees: Thank you for your presentation. Just on the last part, you're aware that the legislation does provide for the college to take into consideration people who come from other countries, to consider their experience and to then deal with those individuals in terms of certification based on the common sense nature of the experience and education they have. I think that's what you're really saying. You're really saying that people shouldn't be slotted into certain categories simply because of a pigeonhole that perhaps they should be fit into. I think the legislation contemplates that. We'll see how that works its way out. That's why there's a five-year review of this legislation. If there are some things that need to be adjusted, we will certainly consider that.

Let me just say to you that I think I understand your concerns. You're a professional. One of the things we have to be very careful of when we look at legislation like this is that those of us who have a responsibility to make a decision regarding legislation have to look at it from the standpoint of what is in the public interest. People who aren't aware of the nuances of your profession and who need counselling have today nothing to go by. They don't know what it means to be a social worker or a social service worker or whatever that shingle may say.

One of the things that certainly the public is asking us for is, “Give us something that we can go by so that if we look at a person's designation, we at least know that they've had a certain level of expertise, that they're

certified, that they have an accreditation." You're right, someone may refer to themselves under some other term, but at least the public will know that if they look for the term "social worker" or "social service worker," there is a benchmark of training, of expertise, of experience that they can count on those people having. If they want to take the risk and go and see a lawyer, God forbid, for counselling, they have an option to do that.

Mr Kormos: Wait till you're being strip-searched at 3 in morning.

The Acting Chair: Thank you for appearing.

Ms Tsao: Can I respond to that very quickly?

The Acting Chair: I'm sorry. If I do, then I get criticized by someone else.

Mr Kormos: We won't gripe.

The Acting Chair: Do I have agreement?

Mr Kormos: Yes.

Ms Tsao: I'm going to take the liberty to interpret that what you're saying is that you're undermining the years of education these people go through and then they come out with a degree. When we go through years of school, we come out with a social work degree or social service degree. I don't see that passing an exam of certification, with that time where you write an exam and, bang, you get a piece of paper saying you're certified, will ensure somebody has certain qualifications. I interpret your comment as saying those years of schooling are not really considered as important. We need to just pass an exam and be certified. I just think certification is simplistic.

I take the liberty of answering a question that was asked before, "Who should you believe?" I think that's an excellent question. I think there needs to be an independent body to do some research. There's no research being done today that the public's at risk because there's no regulation.

The Acting Chair: Thank you, before I get in very deep trouble. Thank you very much for coming.

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ONTARIO ASSOCIATION OF INTERVAL AND TRANSITION HOUSES

The Acting Chair: Do we have the Ontario Association of Interval and Transition Houses, Ruth Hislop, vice-president?

Ms Eileen Morrow: Thank you very much for this opportunity to come before the committee. My name is Eileen Morrow and I'm the lobby coordinator of the association. Beside me is Ruth Hislop, and she's a vice-president of lobby on the board of directors of OAITH.

It's my task tonight to begin by just giving you a very brief overview of the association — and I'm hoping it will be very brief because I know our time is — for those of you who may not be aware of what we do. The Ontario Association of Interval and Transition Houses is a 63-member association of services, primarily first-stage shelters for abused women and their children, that spans the province of Ontario. Shelters for abused women and

their children provide a number of services and interventions. They include crisis intervention and support, information, referrals to community agencies both on the crisis telephone line and within the shelters, 24 hours a day, seven days a week.

Shelters also provide a number of programs within their services to women: outreach programs to women who are not staying at the shelter but are living in the community or may have been at the shelter previously; child advocate and youth work within the shelter to children who are witnessing violence, to give them support; advocacy for women within systems with which women have to engage in order to escape from a violent relationship.

We do community and development work, coordination work within communities across Ontario. Shelter workers within the community agency coordination work are some of the most energetic and dedicated workers within the coordination system, doing education on a community level in schools, for professional agencies and groups, service clubs, police, crowns and so on. So our work has a broad range of interventions, both with individual women and children, and also within our communities on the local level.

OAITH itself works on the provincial level and the federal level on public advocacy work on behalf of abused women and their children and services for abused women and their children.

Ms Ruth Hislop: I think it's important for us to start off with acknowledging our concern in terms of the process of public consultation since November 2 and the first reading. We have, as an organization, looked forward to presenting at the public hearings yet we're dismayed by the limited consideration of less than 24 hours' notice to discuss an important act which will have a residual effect on our work. We have not, therefore, had time to respond clause by clause; rather, we have questions for you which reflect some of our concerns. We look forward to an opportunity to review this act clause by clause at a later time. We ask you to reconsider this process and extend this consultation in order to allow numerous other organizations to present their feedback regarding this act.

Bill 76 is unnecessary. The majority of social workers/social service workers are employed within social service agencies that are accountable to various bodies, including funders, in terms of a governance body as well as in terms of the clients of the agency. This has been outlined in a position paper of the Social Work Reform Group, an advocacy group which would like to see legislation that doesn't destroy the varying pathways into the profession. OAITH recognizes the importance of acknowledging the different pathways and their subsequent contribution to the social worker/social service worker profession.

The shelter movement — and Eileen outlined a number of the areas of work that we're involved with — celebrates the contribution of all women committed to anti-violent work. The life experience that each woman brings to this work is critical to responding appropriately to other women's and children's life experience. It is imperative

that life experience is key, whereas educational experience enhances and facilitates this life knowledge.

As I said just a few minutes earlier, we have questions that we would like the committee to respond to. I can certainly go through the questions and then come back one by one in terms of a response. We'd like to get a clarification of the necessity of the act. Our second question is, have the framers of the legislation considered the impact on social justice, advocacy, peer support, grassroots community development work? Have the framers considered the impact of the fee on poorly paid individuals and poorly funded social service agencies? Have the framers of the legislation considered the impact on the alternative approaches and interventions within diverse communities of Ontario, for example, the aboriginal communities? Have the framers of the legislation considered the implications of record-keeping regulations on disclosure of records to court, which have been a serious consequence within the sexual assault criminal trials?

The Acting Chair: We have about three minutes each for those who may want to respond to the questions or have comments, beginning with the third party.

Mr Kormos: Sorry you had to be here at 7:30. The problem is, this is all a wrap today. It's all done and over with.

You already heard some mention made of the fact that all three parties supported the principle. This started out as such a simple thing and then it became more and more complex. The more people made comments on it, we realized it's not so simple. I suppose if it were just a matter of not having people who aren't social workers calling themselves social workers, you could just have the one section that says you'll be fined if you call yourself a social worker and you don't have a BSW, MSW, or social service worker, which is sort of the poor country cousin as far as social workers appear to be concerned.

When you're talking about the work of OAITH and interval houses, my experience where I come from is that — you talk about the growth of those, the maturation — there are a whole lot of women who have developed leadership and expertise, women who've never seen a social work classroom in their lives but have a very specific and specialized context.

Also, there's the politics of it over the years due to this course of maturation. The opposition developed a very unique, specialized group of people. You know where I come from, down in Niagara. You probably know some of the people I'm talking about. Is this part of what you're talking about, that this doesn't recognize the role of those kinds of workers and that kind of leadership, workers who may not necessarily have a degree?

Ms Morrow: Within social justice and equality rights work there are, of course, a diverse range of people with a diverse range of skills who are working within that umbrella of equality rights work; and violence against women work is equality rights work. It's not the only kind. Anti-racism work or anti-poverty work and so on would also be typical examples of that kind of work. So you will find people with social work degrees, you will find people

with social service degrees, you will find people with different kinds of experience within those workplaces. Those people all bring a certain kind of skill.

I think it's also important to remember that certain kinds of work, like anti-violence work and violence against women, rose out of a situation where, to be frank, women were not well served by professional psychiatry, by professional social work, by medical models. In fact, an alternative advocacy and support model was developed by women for women. A 20-year body of work has been built around the appropriate intervention and response to this particular kind of social problem so that when a woman is abused by her partner, this is not to say that she has a psychological problem, needs treatment and so on. She's not the one with the problem. So we have a concern around the implications of these kinds of regulations around what kind of work is social work. You know what I'm saying?

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Mr Klees: I would just say to you that there's nothing in this legislation at all that would prevent that work from continuing — nothing at all. There was no intention, nor is there anything contained in these statutes that would preclude that very important body of information and experience from continuing to support people in the community who have those particular needs. If that conclusion has been drawn, I want to assure you that it's unfounded.

What it is specifically addressed to do is to deal with the designation of "social worker" and "social service worker," that where people who have specific needs that are typically met within our society by individuals with those designations, at least the public can have an expectation of the level of expertise that would be delivered by those individuals certified to use those titles.

I hear your concern. I just want to assure you that, if anything, I would expect that even individuals like those you're describing who have developed expertise in some of these areas of support would be strengthened through knowing that there are individuals within the community who are certified, who have certain expertise to complement the services they're providing in the community.

Ms Hislop: Could you help me with the idea of certification? You said designation of "social worker" or "social service worker" expertise.

Mr Klees: Yes.

Ms Hislop: I'm not quite sure how that connects with what we were saying. Within the shelter movement, there are workers who bring a vast array of experience, certainly some of which does include BSWs, does include varying social service experience, does include high school, masters, PhD programs. I'm not quite sure what you're alluding to in terms of how then this act impacts on us.

The Acting Chair: Fifteen seconds.

Mr Klees: I'm simply suggesting that those workers to whom you refer who bring that experience wouldn't be affected by this at all. They should very well continue to deliver their services. We're simply dealing with individuals who want to refer to themselves by those names;

that they must be certified, that they must have gone through this process of certification through the college. One does not exclude the other.

Mrs McLeod: I'm glad you're here, since OAITH has frequently been excluded from the consultation processes. I think it's important that your perspective be brought to every forum that is made available, even if it's a somewhat limited time.

Obviously, it's absolutely imperative in working with violence against women that the people working with the individuals have to have a life experience that gives them both understanding and credibility with the people they're working with.

I'm very conscious of the fact that OAITH has expressed repeatedly a concern that there may be a shift on the part of this government to more institutional structure delivery of programs, and you may see this act as part of that shift. The clarification you're looking for, that it should not have a bearing on the kind of work you do, and do well, is important. With that in mind, I would be happy to yield any balance of time for you to ask one of the unanswered questions back to the government if you would like to do that.

The Acting Chair: Two minutes.

Ms Morrow: In terms of the act, this may not seem like the most important question on our list. I'm assuming, if you're making that exemption for anti-violence work, that other social justice work, like anti-racism work or work within the aboriginal communities and so on, anti-poverty work, shares the same sort of guarantee that it's not going to be impacted in a negative way; that those people's skills and credibility will be recognized because of the work they've done.

I would come back to the question of the records. It may seem like a very specific point, but I'm going to make it here because it's an opportunity to make it. Social workers are required to keep records. I wonder whether you've given any consideration to the use to which some of those records are put within criminal trials to discredit women who experience violence. Particularly, this has happened in sexual assault cases, where subpoenaing of confidential records, not just from social workers but from every kind of intervention that a woman has ever experienced, can be brought into court to search for some sort of discrediting information or even so much as a doubt about what may have happened in a particular violent incident.

When anyone is required to keep records, there needs to be serious consideration of where those records will go and to what use they will be put and whether they will be put to use to protect or put to use to harm; and how you can amend the legislation to ensure that the keeping of records and the use of records are used only to protect and not to harm.

The Acting Chair: I want to thank you for taking the time to appear before the committee.

Mrs McLeod, would you take over?

Mrs Pupatello: Just while we're switching Chairs, I wonder if we could ask the government to respond to that latest question.

The Acting Chair (Mrs Lyn McLeod): Ms Pupatello, you had a question for the government to respond to?

Mrs Pupatello: I'd like to ask the government members which of them would choose to respond to that last question.

Mr Kees: I'm happy to respond by simply saying that that is precisely the reason for this legislation, that we require something in place to know that there's a professional conduct that social workers and social service workers adhere to.

PAUL AGUECI

The Acting Chair: Paul Agueci, please come forward. Could you please just identify yourself for Hansard so we have that on the record.

Mr Paul Agueci: My name's Paul Agueci. I'm an MSW social worker working for the Ontario government right now.

I'd like to read you a letter I wrote that was published in the Toronto Star on November 30, in case you missed it. I don't know if you saw it.

"As an MSW, I strongly oppose this legislation. First, the legislation is supposed to offer public protection against incompetent social workers and social service workers. This bill will do nothing of the sort.

"As operating budgets for social service agencies have been and are being slashed and eliminated, workload stress, caseload sizes and client issues escalate. Factors related to social worker and social service worker incompetence lie with social work pressures and limited resources, not with individuals and practice.

"I strongly suggest that agencies created to facilitate ethical practice be regulated, not the individuals." This is talking about regulating agencies as opposed to individuals.

"The intention of this act is to regulate the title of 'social worker' and 'social service worker.' This act fails to recognize those social workers and social service workers who are in private practice." Absolutely. "They will often call themselves therapists, mediators or counselors. Rarely do private practitioners refer to themselves as social workers or social service workers. This act will not protect that public against these individuals.

"This act should, at the very least, receive full public debate, as the field of social workers and social service workers are much divided on the issue of regulation. It is for this lack of solidarity that this bill should not become law."

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That's my letter. I would like to open up a discussion with you. There is a polarization on this issue within the field. There is not a consensus to be made in this field at all. I have not seen consensus among my colleagues and among the people who are friends of mine; no one has one

specific issue. There's no consensus. This is not a bill that should be passed.

I don't know why, Sandra, social workers are so afraid to speak out against the cuts that have been going on within this government. When Barbara Chisholm was up here, and you asked her the question, she was afraid to answer it. I don't know why. Why are social workers so silent on these issues? When social service clients were cut by 21.6%, I thought there would be outrage in the community. There was nothing, silence — a defeated population. Caseloads now at the municipal and provincial levels are exceeding the hundreds, and that's unacceptable in this system.

This bill itself was brought in for first reading on November 2. It had second reading on December 10, five days ago. My understanding is that this consultation is going to go nowhere, because it's going to go into third reading tonight. What is that about? Why are we even sitting here? I have no idea why we're even sitting here. This makes me laugh; this whole process is laughable. It's an abomination. I'm really upset. I speak from the heart. I don't understand it at all.

I'm not against social work regulation for private practitioners. People who are in private practice need to be regulated. Anybody who's got an MSW, a BSW or a social service degree who's in private practice who calls themselves a therapist, mediator or counsellor should be regulated at some point. People who work in agencies, like Judy Tsao mentioned earlier — there are steps that clients can take to voice their concerns against the type of practice that's being put upon them.

I find it very interesting that people like the OASW walk out after they make their — they're supposed to be speaking for the profession, and they walk out. They don't even hear the full debate on the issue. I think it's strange, very strange.

I welcome any questions you have for me. That's all I have to say.

The Acting Chair: Thank you very much. We have about two and a half minutes per caucus, beginning with the government.

Mr Carroll: Thank you, Mr. Agueci. I want to just get into a little analogy with you, and tell me what your thoughts are on it. I would assume the majority of nurses in our province work in hospitals, which are a controlled environment. We have come, as individuals who avail ourselves of medical services, to expect that the terminology "RN," "registered nurse," brings with it a certain degree of education, a certain degree of knowledge, a certain degree of professionalism. That has happened, and we've come to expect that. We've also come to expect that the term "RPN" means something within that context. We have people delivering health care, nurses delivering health care, covered by a professional college, and we as consumers of their service have an expectation based upon the title they have.

So now we move into the social work field, a field which I will argue is every bit as important as the field of medicine. What this act is proposing is that you and I as

consumers of services in the social work field will be able to look at somebody's name and title and say: "This is Mr Agueci. He is a social worker. Therefore, we expect, because we know from history, that that means you have spent four years at university or whatever, that you have this particular amount of knowledge, and we expect a certain standard from you."

Can you explain to me, sir, why it is so bad, as a consumer of your service, for me to know that your title brings with it a certain set of qualifications and a certain set of expectations, as I have for nurses, chiropractors, doctors, lawyers, every other profession? Can you tell me why your particular profession should be different in that respect?

Mr Agueci: I think it's no different. In fact, social workers who have been trained and put MSW or BSW beside their name should be credible people. Who's to say they're not? That's my thinking. You talk about professional titles. What about having the social work act under the Regulated Health Professions Act? Why is it not there? You create a separate act entirely for social workers. Why not put it under the health professions act that currently exists? I don't know why you're putting it on its own. If you want health care practitioners and social workers to be regulated, put them under that bill. Why is there a separate bill? I don't understand the fact that there's a need for private practitioners who call themselves therapists or mediators not to be regulated as well. Why shouldn't they be regulated if they have a BSW, MSW or social service degree as their full entitlement of education?

Mr Carroll: Maybe I didn't make myself quite clear. I guess what we're saying is, if a person wants to call themselves a registered nurse, they can only use that terminology if they meet these qualifications, educational and so on. What this act says is that if a person wants to call themselves a social worker, which I believe is every bit as important a profession, and you agree, that should bring with it a certain expectation.

Mr Agueci: But people are not calling themselves social workers. How many private practitioners do you know who call themselves a social worker in private practice? "I'm a therapist." "I'm a mediator." "I'm a counsellor." I don't know one social worker in private practice who says, "I'm a social worker."

Mr Carroll: I guess because it didn't mean anything to be called a social worker. Almost anybody could call themselves a social worker. We're now saying that to be called a social worker is a regulated profession.

Mr Agueci: But why call myself a social worker if I can call myself —

Mr Carroll: Because I know what to expect from you.

The Acting Chair: Thank you very much, Mr Carroll.

Mrs Pupatello: You always seem to hit it right on the mark. This whole bill is a red herring for us, so that the Conservative government can go forward in the next election and say: "Look what we did for social workers in Ontario. We gave you a college." They didn't do any of the damn work. All the social workers did all the work.

Christ, they probably developed the entire bill and just handed it over. They've been working on it for some 20-some years, for heaven's sake — 30.

The point is that it completely negates what social workers have been dealing with out there in the field. We've said this from the beginning. So we throw them a bone, and we think that social workers are of such shallow nature that they're going to forget the havoc that was created in the very field that they work in, day in, day out? The social workers I've met who work for agencies, who go home every night wondering which children will still be alive in the morning, without the capacity in the system to take them into care — does the government honestly believe that those social workers will go home at night now, after this bill becomes law, and say: "All our problems are over. This is a wonderful life. This is a wonderful job"? They go home dreading going back to work in the morning because of the caseloads they're dealing with.

This government has laid off more social workers than any government in the history of Ontario. Not one social worker who comes in here to speak in support of this bill forgets the fact that these are the worst three and a half years that they have seen in their professional life because of the circumstances that people are finding themselves in, those who happen to be vulnerable. Not one of those social workers who will sit there today will look me dead in the eye and tell me that this pap the government puts forward is going to sell them during the next election, or that any pap the government is going to put forward between now and the next election will make them forget what life has been like in the field for the last three and a half years. I hope you agree with me.

Mr Agueci: I absolutely concur with you, absolutely.

Mr Klees: Oh, after that, I would hope so.

Mr Agueci: Have you been on the front lines, sir? It's not a pretty sight.

Mr Klees: No one can turn that passion.

The Acting Chair: On that note, Mr Kormos.

Mr Kormos: Thank you, Chair. We get these briefing books that are prepared by bureaucrats. The briefing books have a copy of the bill, the Hansard stuff, the compendium and press clippings, right, including press clippings of letters to the editor. They've got some letters to the editor here, by way of photocopies of press. Boom: "Social Work Regulation Welcome." Boom: "New Laws Will Protect Social Work." Yours was in what, the Toronto Star? It isn't in the book.

Mr Agueci: I'm ashamed of you guys.

Mr Kormos: What gives? I don't understand, for the life of me.

Mr Agueci: There was also a letter there and there was a previous editorial.

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Mr Kormos: We've got the editorial, yes. That was in there. It contained some of the concerns about funding of these programs. You can have all the social work regulation/legislation in the world, but at the end of the

day, if you don't fund these programs it means diddly-squat.

Mr Agueci: That's right.

Mr Kormos: The Ontario Association of Social Workers, God bless them, wrote a letter, went absolutely ballistic when our member Blain Morin spoke to this bill and spoke on behalf of those CUPE workers who expressed concerns, as if Blain wasn't supposed to express those views on the record. I've got a letter here from the Ontario Association of Social Workers which is just a hysterical, wacko kind of letter, which I found very disappointing.

I asked Ms Tsao, because I remember that the problem last time around was that the social services workers weren't going to be a part of the bill. They were considered — what were they considered? I don't know.

Mr Agueci: Second-class citizens.

Mr Kormos: Sort of riff-raff. The Ontario Association of Social Workers won't let them join, and you heard what they had to say when I asked them why: "Well, they have their own organization." That smacks of any number of things that have been said about any number of groups of people over the years.

Do you think there's sort of a conservative old gang in the social work profession and a not-so-conservative sort of leading edge, perhaps a little more in the trenches kind of group, and is there a tension between the two?

Mr Agueci: I think the OASW has spent a lot of money on this issue. They've spent countless thousands of dollars on publications and in writing briefs about why it's important to regulate the field of social work.

Mr Kormos: Why?

Mr Agueci: My thinking is that these people don't practise social work. They're not in the field, these Joan Davies. They're not practising. They're running an elitist organization. They don't practise social work as a profession. They're not doing it. We're doing it. I'm there every day doing it and I know how hard it is.

The Acting Chair: Thank you for your presentation.

LUISA QUARTA

The Acting Chair: Our next presenter is Luisa Quarta. Welcome.

Ms Luisa Quarta: My name is Luisa Quarta. I have an MSW. I work as a social worker and I am also referred to as a therapist in my job. I've been in the developmental disability sector for five years. I do what you would call counselling in my place of work. We are a publicly funded agency and all the clients that I see on my caseload do not pay me for private practice. I don't believe any of them would be able to since all of them are on the new ODSP, the Ontario disability support program, formerly known as FBA, as I'm sure you know.

Tonight I'm not really here to change your mind. I wanted to share with you three questions that have been troubling me as a social worker and as someone who has had 10 years' experience in the field but five years'

experience in the particular field I'm currently working in. I feel that these are ethical questions.

As social workers we are taught that our values must come into play when we practise. Who do we serve? That's the primary key. We are here tonight because we assume that it is clear to us who our clients are, that is, who we serve. As Mr Andreae pointedly said, we serve the most vulnerable people: those very people on fixed incomes who can't afford services from private practitioners. These people who cannot pay for private practice are often referred to as consumers. For me as a social worker that is something very difficult to grapple with, because I believe that my colleagues and I work mostly in publicly funded settings where the consumers come to us because they cannot afford private services, often because they are consuming the public good, or what's left of it in today's world.

This brings me to the second question: What kind of public protection are my clients asking me for? What are they expecting me to bring here tonight? They are asking for protection from hunger, poverty, homelessness — these are the most vulnerable people Mr Andreae referred to — from day care cuts, from abuse and racism. This is the kind of protection that our elected representatives and I myself, as a professional working in the field, are expected to provide.

This brings me, personally, to a tremendous ethical problem that I'm grappling with because I do hold an MSW and I benefit from a two-tier system. I can also put my shingle out, like the person for whom I'm substituting this year. He has a private practice on the side, so when he comes back in September I can try my foot out there and see if I can set up my own practice.

The issue here is, in the context of tremendous cuts, why have professional bodies and associations with knowledge, degrees, resources, expertise, decided to lobby so fiercely for years rather than show their voices and their faces and speak on behalf of the very vulnerable people we purport to serve? Where have they been? I am appalled that the OASW has the gall to use my resources, if I choose to become a member, not to stand up for the public protection of the so-called public good which our consumer clients are supposed to consume. This is what it's all about. It is infuriating.

I belong to two other social work associations. One is an alumni group that is active. There are 10 of us. We're all against it. We all have MSWs. At least what we can ask you is to consider voluntary association. I do not want my money used and I don't want professional associations to use their lobbying time when the protection of the public is not something that's foremost on their agenda. As social workers, historically — I don't need to remind you of the history of social work, the Poor Law and the Catholic association in Ontario and the charities. That's where we've done our work.

My question is, at a time when social workers are most vulnerable as professionals because of private practice and privatization, why have they chosen strategically to adopt stances of legitimacy? Why do professional

associations want legitimacy in an era of privatization? That's the question that I'd like to leave you today. Public protection is about professional identity. It has nothing to do with public protection; otherwise we would have heard these professional bodies speaking out a lot sooner. As Mrs Papatello has repeatedly said tonight, where have they been?

I'd like to leave the rest of the time for questions and discussion.

Oh, I had one minor correction. CUPE did submit 500 signatures of staff and members who were opposed. I heard someone earlier say something about only 40 people from the Jewish association had said that they were in favour. Well, CUPE has submitted to you 500 signatures and someone here must have those, so just a minor correction there.

The Acting Chair: Thank you very much. You've left us not only with a question but about two minutes per caucus, beginning with the official opposition.

Mrs Papatello: Thank you very much for coming. I thought you spoke very eloquently. Overall, I'm increasingly frustrated by the fact that the government would consider that this group could be put off the real agenda. In my view, people who come into this vocation now choose to call it a vocation because they're traditionally underpaid for the hours worked in that field. You'd better love the job because you sure aren't there for the money, let's face it.

I just don't like the idea that the government thinks they've got one over on you. As a group, all your colleagues — whether you support the bill or don't support the bill doesn't matter. You've been put on to this topic, this discussion on a bill about which on the whole, if you could step back in Utopia, you'd say, "Not a bad thing probably." But for some of you, depending on where you work, you see the real day-to-day grind that this government has brought to you. I listen to people who work in your field, spend an awful lot of time and energy — and I haven't heard it for three and a half years. As a critic for community and social services, and getting to meet people face to face for three and a half years in my own community and across Ontario, I've asked a lot of those same questions.

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I've also come to understand, though, the fear that people live with, not just about their job but fear for their agency. We have the most retaliatory government we have ever seen. We have the most punishing government to agencies, to all of those sectors that it funds. They have put the fear of God into these agencies so that they just sit down and shut up because their funding will be yanked or cut even further. Those are a lot of the answers as to why we haven't heard more. We know that's why because they tell us all of that. They don't put it in writing, but they certainly tell us that fear is probably the number one reason we don't hear more.

Ms Quarta: So you're wondering why you haven't heard more from social workers in the field?

Mrs Pupatello: I've heard from some. Unfortunately, it's always off the record.

Ms Quarta: You find us everywhere, right? It reflects the problem of scope of practice and trying to place a label on this so-called identity, on the one hand, right? On the other hand, it's because most of us are in publicly funded places where there are incredibly stringent protocols and internal bylaws and systems of accountability, and when you are publicly funded from the government, people are afraid to speak out at times. Sometimes you opt to do that through a union if you're so fortunate as to have a union in your workplace.

Briefly, my concern is that if you have a body like this, a regulatory framework, you will only hear one voice. There will not be the divergent opinions you hear tonight. You will hear only the voice that has been absent throughout, the OASW, which has had some resources and funding. You will not hear that voice representing the divergent opinions of social workers. That's why we're opposed.

Mr Kormos: Ms Quarta, thank you kindly. This trilogy of voices here tonight — you, Mr Agueci, Ms Tsao — you three. Here I am. A long time ago I graduated from community college with a social service diploma, so I couldn't join the Ontario Association of Social Workers if I wanted to; they wouldn't have me. But you can; Mr Agueci can; Ms Tsao can. So I'm wondering here. I'm an old-timer. I've still got Saul Alinsky books on my bedside table: *Rules for Radicals*, *Reveille for Radicals*. To me, that's social work.

So why aren't people like you and others joining the Ontario Association of Social Workers, kicking out the executive, giving it a new voice, making it relevant, making it vocal on behalf of social workers out there in the trenches like you, like Mr Agueci, like Ms Tsao? I think that's what Saul Alinsky would like to see you do. Why isn't that happening?

Ms Quarta: I think part of it is that you're also assuming that the way the OASW's body operates is something easy to — sorry, what?

Mr Kormos: Go ahead. Surely it's democratic.

Ms Quarta: Surely. I don't know that. I've never been to any of their meetings. I think what happens, what you do lose, and I'm sure you know this, in terms of grassroots work and the ability to be inclusive and to start a project like this rather than having to go to this committee, to the next committee, is the fact that they operate very differently. The fact is that Judy, myself, Paul and others are part of social work bodies and groups, but we don't purport to create a professional identity out of those groups because we're busy starting projects or trying to represent other interests that we can't deal with in our own work on a day-to-day basis. So who knows what might come in the future.

Mr Kormos: Good luck.

Ms Quarta: Thanks.

Mr Klees: I just very briefly say to you that I want to apologize to you for the rhetoric that you've heard which suggests that the government is trying to put something

over on social service workers or social workers in this province. We have much more respect for individuals than to suggest that. You, along with your colleagues and everyone else, will make your political decision at the next ballot box about what you believe about this government. We have no doubt about that. We have moved forward on this legislation because we believed it was the right thing to do. That will be the legacy of this piece of legislation.

I also want to make it very clear that this legislation is not about taking away your right or anyone else's right to form an association, to join a union, to voice opposition, to voice objection to policies of this government relating to social service issues. This is about a professional college that deals with the level and quality of care that's being delivered. I think it's the right thing to do, as do many people in social service work in this province.

Mr Carroll: Those who are lobbying for this haven't just started. We've heard testimony that for 30 years they've been lobbying for this — three successive governments, seven different ministers. It's not just a new lobby that's going on; they've been doing it for a long time.

But I did want to ask you one thing. You made reference to the 500 CUPE members — I haven't seen their names — who you say signed that they were opposed to this. CUPE said they represent 14,000. So if they represent 14,000 and 500 have signed opposed to the legislation, what do we read into that, that the other 13,500 are in favour of it?

Mr Klees: Or they weren't consulted.

Mr Carroll: Or they weren't consulted. But what can we read into that? You brought up to 500 number, so can you relate it to the 14,000 for me?

Ms Quarta: I think I can be very pragmatic. I'm not part of CUPE but I do know that this issue has been ongoing for years and years and that CUPE, when we were speaking with them, got involved around perhaps the summertime. Since then they've had a couple of conferences and we actually were present doing a workshop at one of those conferences; I wasn't there that day, but the group that I belong to.

What I assume happened is that over the process of summer till fall, not being prepared to see this legislation come forward so quickly, they scrambled at those conferences when they had members there who would be key members from different locals throughout the province and got the signatures. They haven't been working actively on a campaign. They've been dealing with so many other issues around public protection issues, which I mentioned earlier, that I don't think they thought this legislation was going to come through so fast.

So I do think a lot of their members haven't been consulted. I know for a fact that at York, where I'm still currently involved, a lot of social work students in the MSW program have no clue. It's not an issue that tends to come up a lot.

The Acting Chair: Thank you very much. We appreciate your presentation and your being here tonight.

Mrs Pupatello: Could I ask a question before the next presentation? It may be to the government members again.

In the copy that all of us received from the Chiefs of Ontario, Mr Thomas Bressette specifically expressed: "I must express dissatisfaction that we were not given notification, or approached in any way for consultation or feedback. Nor were we notified of the public hearings to be held today — as such, we were not able to prepare to have a representative attend the meeting." Is there anyone who's here today who could explain why they wouldn't have been informed, given that they have a special social services unit and deliver so much of their own social services in the First Nations in Ontario?

The Acting Chair: I'll just ask if our next presenter, Julie Foley, could come up while we seek the answer to that.

Mrs Pupatello: Do I direct that to the clerk?

The Acting Chair: I'm not sure the clerk can respond to that. I'm not sure, given the very short timelines with which these public hearings were called, that there was any process of advertisement. In fact, I'm fairly sure that there was not. Would that be accurate?

Interjection.

The Acting Chair: There's been no process of public advertising that these committee hearings were taking place.

Mrs Pupatello: There clearly was a way that everyone else was notified, so I guess I'll ask one of the parliamentary assistants to the minister, how could we have avoided this group? They're on a mailing list. They actively give and distribute social services right across Ontario. They're on probably 100 mailing lists of the government. How did we miss them?

Mr Klees: No one was avoided, I can assure Mrs Pupatello. No one was avoided.

The Acting Chair: I think part of Mrs Pupatello's question was, knowing that we had 28 individuals who had indicated their desire to present tonight — we had that yesterday prior to the subcommittee making a decision about public hearings — whether there was any kind of formal process of notification by the government.

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Mr Klees: To my knowledge, everyone was notified in the same way, and that's through the general distribution of information. There were press releases that related to the introduction of this bill. It was very broadly discussed in the press. Mr Kormos himself made reference to clippings that were enclosed. This issue was broadly publicized across the province. So for the Chiefs of Ontario not to have any knowledge of this comes as a surprise to me.

Mrs Pupatello: I guess to follow up on those comments, this particular chief, the Ontario regional chief, Thomas Bressette — the head office is in Fort William, Thunder Bay area, as the Chair would know well.

Mr Klees: They don't have newspapers up in Thunder Bay, Madam Chair?

Mrs Pupatello: I guess I'm supposing that the letters to the editor in the Toronto Star may or may not have been read by these individuals, and again I have to say that because the First Nations in Ontario have their own unit of social services — they deliver services on behalf of the

Ontario government in a myriad of ways; they would be on many press mailing lists etc — if we had such a dramatic response in probably a two-hour period, surely there would have been some process for people who deliver our services to have known that there was a hearing opportunity. These letters and ads that you speak of don't necessarily say, "By the way, there are public hearings and here's the date, and if you can't attend, you can send in writing, as others have done," because they could have sent in writing even though they couldn't attend in person, and I can assume that's the case in this short notice, so there must have been something.

Mr Klees: In response, I'm advised by staff that the press releases and compendiums were distributed to every First Nation and aboriginal organization. I would also say that as members of the provincial Legislature I'm sure that we all did our legislative duty within our own ridings to notify interested parties. Certainly I did in the riding of York-Mackenzie, and I would think that whoever the member would be for Thunder Bay would also have taken it upon themselves to distribute information regarding not only the proposed legislation but also the hearings that are taking place.

I don't know, Madam Chair, who the member is who represents Thunder Bay, but —

Mr Kormos: I do.

The Acting Chair: That's very coy, Mr Klees, and since you want to draw the Chair in, you will notice that in fact the letter is dated December 15, comes from Thunder Bay and speaks specifically to the fact that there was no notification of public hearings being held today. Therefore, they got the notice as early as notice could be made available, since the decision was made last night to hold public hearings on this bill today.

Mr Klees: I just couldn't resist, Chair.

The Acting Chair: Mrs Pupatello, obviously this is a totally unprecedented situation. We spoke earlier about the limitations placed on the subcommittee in terms of not even having 24 hours' difference between the opening of public hearings and the clause-by-clause amendments. I don't think any of us who have participated in committee hearings in the past would believe that this is due process for legislation, and I think we all want that to continue to be a matter of record. There are many people who might have wished to present who will not have the opportunity because of the timelines.

SCARBOROUGH COMMUNITY CARE ACCESS CENTRE

The Acting Chair: With that, we are going to turn to Julie Foley, who is our next presenter. Thank you for being with us.

Ms Julie Foley: I'm Julie Foley, and I'm the executive director of the Scarborough Community Care Access Centre here in Toronto. I'm speaking from two perspectives, both in my position as executive director of a major employer in the health sector and also as immediate past president of the Canadian Association of Social Workers

and as vice-president for North America of the International Federation of Social Workers.

The Scarborough Community Care Access Centre is an organization that provides publicly funded in-home health services to people who are either being discharged from hospital or are experiencing a range of other conditions that require in-home support on an ongoing basis. I have 150 staff members who report to me: nurses, speech-language pathologists, physiotherapists and social workers, as well as an array of support staff.

All the health professions are regulated except for social workers. It turns out in my CCAC that most social workers do not answer to a manager who is a social worker. This is the case in 42 other community care access centres in Ontario, as well as in hundreds of hospitals across Ontario. The issue with that is that the days when we could rely upon discipline-specific departments to ensure that the practice of social work was responsibly managed are gone. We can rue that fact, and I often do, but that's the reality. There used to be departments where social workers reported to social workers, and whether that was in social service agencies or other major employers such as hospitals, other health-related organizations and boards of education, again, those days are gone for many of the reasons that other speakers have addressed here today, the funding crunches and the cutbacks in services that have been experienced in many fields.

While some workplace issues are a matter of my responsibility as CEO, and I will not relinquish those in any other way, some of those are very clear, whether they relate to nurses, physiotherapists, speech-language pathologists or social workers, but others are more subtle and require the input of specific professional consultation. At the community care access centres, we occasionally refer to the College of Nurses or the College of Physiotherapists in order to solicit direction with which we know all nurses or all physiotherapists must comply, but the same does not exist for social workers.

Some previous speakers and some of my colleagues elsewhere have certainly spoken about the fact that in any of the organizations which employ social workers surely there are other internal mechanisms that ensure the competent professional practice of social workers and whether that's the management staff, CEOs such as myself or the boards of directors. That holds true for blatant unethical conduct that anyone could describe as such, but again, there are other subtleties and one does need a professional or regulatory body to which we can refer. Second, regardless of whether I fire someone because they are incompetent or unethical, there is no place to register that, and that does not in any manner prevent them from practising as a social worker elsewhere. I think if social work services are publicly funded, they need to be publicly accountable.

From my perspective at the Canadian Association of Social Workers and the International Federation of Social Workers, I used to be — I won't say often, but occasionally mortified by being from the only jurisdiction

in the United States and Canada that did not have regulatory legislation for social workers. I frequently used to be asked, "Does that mean that social workers aren't hired in publicly funded agencies in Ontario?" or "Does that mean the Ontario government does not think social workers are sufficiently important or deal with sufficiently vulnerable individuals to be regulated?" and those questions were pretty hard to answer.

I welcome this legislation. It may not be perfect. I don't recall any legislation which I've ever spoken in favour of or against that I could paint entirely as black or white. I welcome the fact that social service workers are included in it. As CEO at three different agencies or programs, I have always hired a significant number of community-trained professionals. I could not have done without them. I do not need MSWs or BSWs to perform all social-service-related functions. However, while it's not perfect, I do believe that the legislation will provide the opportunity for review in the future; in fact, I think the clauses that require that invite review and invite improvements, because I know we will not get this perfectly right the first time. I do believe that the opportunity to be clear about some issues will come in the course of developing the regs but that we will no doubt have other improvements as we go along.

The legislation will not ensure that incompetent or unethical practice does not occur. It cannot do that, it will not, and none of us is operating under the illusion that's the case, but at least it offers us a mechanism to attempt to deal with that.

The Acting Speaker: That leaves us with about three minutes per caucus, and we begin with the official opposition, I believe.

Interjection: Is it? I don't know.

The Acting Chair: Mr Kormos, we'll begin with you then.

Mr Kormos: Just to be fair.

The Acting Chair: Absolutely.

Mr Kormos: We had the College of Certified Social Workers making a submission here. They said they had 3,000 members and they indicated that they had performed this regulatory role for those 3,000 members, and you even get to put "CSW" after your name.

Ms Foley: Yes.

Mr Kormos: I was looking at these letters. I had no idea what they meant, so I figured that's not much protection to the consumer, because if they're like me they wouldn't know what CSW means. I thought it was like those initials that insurance brokers use. Every time they go to a weekend convention, they get more and more of these letters to put after their names.

Why are only 3,000 social workers members of the College of Certified Social Workers? If there were such broad enthusiasm for regulatory body, one would think there would be more than 3,000 who would have participated in the College of Certified Social Workers.

Ms Foley: Precisely because it's voluntary and not mandatory. If you're going to call yourself a social worker

in this province, you do not have to belong to the College of Certified Social Workers.

Mr Kormos: But you get to put "CSW" after your name.

Ms Foley: Yes.

Mr Kormos: Surely that is an attraction?

Ms Foley: It is, and that's why there are 3,000 members.

Mr Kormos: Is it?

Ms Foley: It is to many social workers who have a personal commitment to accountability.

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Mr Kormos: Do they get a ring, too? You'd know the concerns that have been raised by people who are concerned about the bill, right? One of them is by workers in, I guess, agencies like yours too, transfer payment agencies or directly employed by provincial government in all likelihood, who say, "Look, the defunding of these services could put me or one of my colleagues in a position where we can't fulfill our responsibilities as social workers because of the structure that's there." You know that's one of the issues. What do we say to those people with the bill as it's currently constructed?

Ms Foley: There are two separate issues. One is whether we believe in public regulation and accountability of this profession and the whole issue about funding. There have been eloquent speakers before I, around this table as well as visitors and guests, who are very clear that the funding issue in terms of resources is entirely a separate matter. This will not address funding and adequate resources in any manner. I'm sorry about that; it is a separate issue. I would love to engage about that one.

Mr Kormos: When we had our lobby meeting a month or so ago, breakfast at the Sutton Place — a unionized hotel; I wouldn't have gone to any other — you and I talked about the recent Durham coroner's inquest, the one that canvassed CAS and the lack of supports within CAS. I can understand how a worker from that or any other CAS would say: "Whoa, I'm going to be subject to this regulatory body in discipline, but look at what was pointed out about the deficiencies. It's not my fault that I wasn't able to reach the standard. Why should I then be subject to discipline?" That's the question I'll put to you.

Ms Foley: I think what the mandatory regulatory body will provide, if you're going to call yourself a social worker, is an avenue through which some of those ethical dilemmas can be articulated where, if I'm unable to fulfill my duties as a competent social worker because the resources aren't there, it's another avenue through which that can be identified.

Mr Carroll: Ms Foley, thank you very much for coming forward. Just a couple of things. We've heard some testimony that your organization doesn't represent front-line workers, that as members you're afraid to speak out against social issues, that you're removed from the area of social work.

We know that CUPE came forward and said that your association has a particular interest in the legislation as it will result in an increase in its membership: "It is

unfortunate that the government has chosen to rely on representations of this group and ignored other legitimate views in the social work community." Then we have CUPE quoting from a Pat O'Connor saying, "This is nothing but self-promotion and an attempt by some to enhance their professional status."

In the light of those comments, could you share with us why there would be a body of people who are so vehemently opposed to regulation of this profession?

Ms Foley: I'd make two comments in response to yours. The first is, the passage of this legislation will not in any way directly impact the membership numbers in either the Ontario association or in the Canadian association. That's a totally separate matter. In fact, there may be the opposite effect if people have to choose and pay fees.

Second, social work is a diverse profession. We have always struggled with our dual roles of advocacy and yet, at the same time, many of us are working within the system. There is lots of room for debate about, where do you stand up and be counted very clearly, openly, and when do you work behind the scenes?

I personally think there's room for both. It's critical that both are there in very evident fashion. We are a profession that's rich in that kind of diversity, and I would not wish to see it restricted in any manner.

The Acting Chair: There is more time.

Mrs Pupatello: I gain that time, I presume, Chair. Thank you for coming to speak with us today. You're here representing the community care access centre for Scarborough. Would you have publicly stated that people leave hospitals sooner and sicker today than ever before? Would you support that statement?

Ms Foley: Yes. I've said it, yes.

Mrs Pupatello: You come speaking on behalf of this non-profit. Has your organization already divested of its social workers?

Ms Foley: No.

Mrs Pupatello: Are you in the process of doing that?

Ms Foley: The required date for us to divest our social workers is September 2000.

Mrs Pupatello: At that point, you'll then just be hiring them out, and they are essentially in their own private practice. You wouldn't be an agency that would have to oversee the appropriate behaviour of your staff, because you hire them like you do VONs, you contract out to them, right?

Ms Foley: It would be brokered. There are two jobs in which I have social workers. One is directly as a social worker doing social work counselling. A second is as a case manager, managing the overall services for some of our clients.

Mrs Pupatello: Those wouldn't be divested.

Ms Foley: No. I will continue to have social workers on my staff even after September 2000, even if I'm required to divest those who are employed directly as social workers.

Mrs Pupatello: I guess you're in a position, both through your position in the health system, through CCAC — what do you call it in Scarborough?

Ms Foley: CCAC. We respond to lots of things.

Mrs Pupatello: You're also a social worker by trade.

Ms Foley: I am.

Mrs Pupatello: You probably are in one of the best positions to understand how difficult it has been for us to watch a bill which, in and of itself, may or may not be the best thing since sliced bread that they've been waiting for, hungering for, for 30-some-odd years but that the issue really does centre on funding of agencies and clients directly, however the funding comes. It's been very difficult to sit as the critic for community and social services and watch people who work in the field directly come forward.

Some of them, in their presentations, made barely a mention of the hell that they have worked in during the last three and a half years, who privately have said to me that this crisis is something they have never seen before out there. I've been amazed that in the presentations we heard, that in conversations publicly, in being seconded on to a ministry brief that was then sent out as a press release, people allowed themselves to be had in that fashion without mentioning the thing that I think in principle should have been mentioned, because that really is the heart of the matter of what these people do for a living.

Could you describe to me why you think that is? You've already said they're totally separate in terms of how this box is specifically legislation. I'm talking about the overriding issues of your field.

The Acting Chair: You have about 20 seconds.

Ms Foley: You, yourself, earlier tonight referred to presentations you have heard directly from social workers about being silenced. I want to tell you that has certainly been my experience in several places in the recent past.

Mrs Pupatello: Thank you very much.

PATRICIA O'CONNOR

The Acting Chair: Our next presenter is Patricia O'Connor. Welcome. Thank you for being here.

Ms Patricia O'Connor: Thank you and good evening. My name is Patricia O'Connor. I'm very glad to have this chance to speak to you tonight. I am speaking tonight as an individual, not as part of any organization. I chose to do that because I felt it was important for people sometimes to speak for themselves and not just as part of groups that they've been part of. I was not able to hear all of the earlier deputations that have been made today, so the points I want to make may already have been spoken to, and if so, perhaps it will be useful to hear them again.

2050

I have been working as a social worker in Ontario since I first graduated with a BSW in 1973. Since then, I have worked as a front-line children's aid worker in three different cities. I returned to school for a master's degree in social work. I've worked in neighbourhood centres,

organizing programs and services for families and for homeless people. I've taught extensively in community college social service worker programs and in a university school of social work for several years. I now work in a downtown community health centre.

I have never in those years hesitated to call myself a social worker, and I have been happy to share that title of social worker with the hundreds of colleagues from many different educational, cultural and life backgrounds with whom I have had the privilege of working over the past 25 years. It has never really mattered to me what their credentials were; it mattered only that they worked in partnership with people and communities to try to solve individual, family and community problems people were facing and to address broader social issues. It mattered that we all acted with responsibility and with respect, and that we remembered that we were accountable to our clients, our organizations, our communities and our funders.

In organizations I have worked in there have been mechanisms in place for consumer feedback and client complaints, and managers, boards of directors and funders have always shared responsibility for monitoring the work carried out by social workers. External bodies also exist. You probably heard people referring to them earlier: legal clinics, the Ombudsman's office. With more resources, they could be even more effective sources of support for people using social services.

It has also mattered to those of us practising social work or teaching in social work that we share a commitment to increasing our knowledge. For this, we often draw heavily on other disciplines outside of social work, because that's the kind of profession we are. We've drawn from sociology, adult education, theology, political science, psychology and urban planning. I've probably missed several on that list. We also have incorporated in our work, in order to be more effective, the perspectives and experiences of our colleagues from all kinds of backgrounds: from aboriginal communities, from other parts of the world, from first-hand experiences they might have had with poverty, homelessness, discrimination, abuse, unemployment, mental illness or other issues. That's been a very key feature of our work.

This pluralistic approach, this freedom from a narrow and discrete knowledge base, is what makes social work sensitive and relevant in a province with as much diversity as exists in Ontario. "Social worker" cannot and should not mean the same thing when you're looking at such a diverse range of services as aboriginal services, child welfare agencies, clinical settings, faith communities, neighbourhood organizations, ethno-specific agencies, rural areas, inner city communities and schools. Allowing one single body, such as a college of social workers, to have a monopoly on defining "social work," on designing competency tests and then imposing this definition on employers across the province makes no sense.

Since I came tonight I have heard people talking about how this issue has been worked on for 24, 25, 30 years; we heard various number being tossed around. I think the

reason it has been worked on so long is because every time there has been an open consultation process where people have really talked about this issue, they have realized how flawed it is, and it has always failed to garner enough support to go forward. When there has been an opportunity to look closely at it, with widespread public consultation on this issue, the divisive nature of this kind of proposal surfaces and the thing dies. That's why it has taken so long. If it was so straightforward and clear, one or those so-called motherhood issues, it would have passed in the 1960s. But people in Ontario have looked at it very thoughtfully over the years and have realized that this is not something that should go forward.

It has been argued, and you probably heard this argument today, that regulation is needed to protect the public from unscrupulous workers. I agree that people deserve good quality service, but I don't think the creation of a college is the way to approach this issue. In fields like medicine and law, which do have colleges, there is not a history of accessibility and wide public use of those colleges. More often, people are intimidated by those bodies and often feel they are rooted more in self-interest and the protection of their own members than they are in protecting the public. Besides, if I were found to be incompetent by such a college, I could simply exchange my shingle of social worker for another one. In fact, social workers in private practice, who by the way are the minority of workers in this province, often use other titles, as people have referred to earlier.

Social workers employed by agencies, if found to be incompetent, can be dealt with through internal disciplinary measures, or in the case of more serious matters, in the criminal justice system. Imposing a college system is a costly, bureaucratic and unnecessary mechanism that simply doesn't fit in a field like social work. That needs to be stressed. Social work is not like law, it is not like medicine, it is not like nursing. It does not have a discrete knowledge base that can be tested. It is not that kind of area of work. Its strength is its diversity and that it draws from such a wide variety of knowledge bases.

I simply don't buy the argument that the public is at risk because social workers aren't regulated. It's not that I don't see people at risk; I see them every day in the downtown community where I work. I see people who are homeless or who are about to lose their housing. I see kids who aren't getting the special classes or other kinds of supports they need. I see people turned away every day from overcrowded detoxes that we in our health centre might be trying to help to get them into. I see students I work with, and I work quite closely with social work students, saddled with huge loans and few prospects. I see people victimized by discrimination and racism on a daily basis, and every day we refer people to food banks. This is one of the richest jurisdictions in the world and we routinely send families to beg for food from charitable institutions.

As I said earlier, I've been in this field for a long time. I never dreamed in the 1970s, when I was graduating from two different schools of social work, that I would be

spending as much time as I spend today helping people to figure out how to beg for crumbs in a rich province like Ontario. I find that just abominable.

Yes, there are people at risk, but they are more at risk because of public policy directions than they are because of the actions of individual workers. I quite frankly find it shameful that the Ontario Association of Social Workers has put more resources and time into promoting this legislation, which can only be seen as elitist and self-serving, than it has into grappling with the real issues.

It is because of that choice that so many social workers in Ontario, the vast majority in fact, do not belong to the association and do not support its directions, including the push for legislation. They prefer instead to put their time, energy and resources into organizations based more on common good than self-interest. I know you referred to that earlier, Mr Kormos, about why don't people then get involved in changing the association. We're too busy in all of the other anti-poverty groups and grassroots organizations and working with people who are homeless and trying to get more housing built etc. That's where we put our energy. It's not in trying to change an association that we think is irrelevant.

If this legislation passes, for the first time in 25 years I will no longer be able to call myself a social worker unless I register with a college, pay fees, perhaps write a competency test likely based on a definition of "social work" that is much narrower than the kind of work I see practised every day. In conscience, I will not join the college. Instead, I will continue to urge employers to hire people who are best suited to the communities they serve, regardless of their credentials. I will continue to work with social work students to enhance their learning and effectiveness as they enter this field. I will encourage clients to make use of accountability mechanisms that exist and to become actively involved in organizations and communities of which they are a part.

If social work does evolve in the direction indicated by this legislation, perhaps I will have no regrets that I am no longer considered a social worker. I may even be proud of that.

I sincerely hope that this legislation is withdrawn, especially with all the powers that are going to be given to the college. I know people will say, "It doesn't say in the legislation this" or "It doesn't say in the legislation that." The legislation is so vague and leaves so much power to the college to define, to regulate, to create structures, that I'm really quite fearful of that direction.

2100

The Acting Chair: We have about a minute per caucus. We begin with the government.

Mr Wayne Wettlaufer (Kitchener): Ms O'Connor, thank you for your presentation. The remarks you made in your last paragraph sounded very similar to remarks I heard many insurance brokers utter more than 20 years ago when I was on one of the committees looking into self-regulation. Many of those brokers said that they were already well qualified and didn't need to increase their education or their qualifications to be professional. I

submit to you that I was a professional insurance broker. I knew what it took to be a professional and I felt that the added courses, the self-regulation, were extremely important, and I think it is in your career as well.

Ms O'Connor: I respectfully say that I think there's a real difference between the work of insurance brokers and people doing front-line social service work.

Mr Wetlaufer: A professional is a professional.

Mr Kormos: Some are givers and some are takers.

Mr Wetlaufer: I object to that comment.

Mr Kormos: I knew you would.

Ms O'Connor: There is a very big difference. Perhaps part of the issue too is the difference between private practice and people who work in closely regulated, publicly funded organizations, which is where most social service workers and social workers are employed.

Mr Wetlaufer: You don't think that in one area professionals are professional, but in other areas they are.

Ms O'Connor: I'm not sure what you're referring to.

The Acting Chair: Thank you. We move to the official opposition.

Mrs Pupatello: Usually people who come to speak to committee don't get badgered by members of the government.

Ms O'Connor: It's quite all right.

Mrs Pupatello: I'm going to apologize on their behalf. We don't want to do that to you.

Ms O'Connor: I do front-line social work. I'm not intimidated by a little noise and hoopla.

Mrs Pupatello: You've seen it all; that's right.

I just want to say, as I've been saying all day, that there is a very appropriate place for the discussion of this bill, but I just hate the idea that people who have seen the things I've seen, only they see it 24 hours a day, 365 days a year — I work in it but certainly don't see it like people on the front lines in social services — have been devastated, the people who are vulnerable, in the last three and a half years especially, and even before that. I'm really having difficulty with people who have to work in this profession as a vocation, that I haven't heard more over the last three and a half years.

I was very pleased to hear Ms Foley speak a moment ago to confirm what we have been hearing from the very beginning about how fearful people are to speak up, because they know that this is the most punitive, retaliatory, angry and punishing government we have ever seen, but in particular through this ministry. Thank you very much for coming.

Ms O'Connor: I think we have spoken up, but it is not through our professional association. You have not heard us through there. People I know who do social service work and social work have been very active in all kinds of work over the last three and a half years in terms of anti-poverty work, fighting the cuts to all our social service organizations, helping communities struggle in the face of that kind of adversity.

Mr Kormos: Ms O'Connor, obviously I'm glad you came. I think it's important that all viewpoints be presented here. But one of the arguments for this bill was

the fear that people would hold themselves out to be social workers when maybe they didn't have adequate training or didn't really have social work diplomas. So I got the phone book and what I found in the Toronto phone book was that one, two, three people in all of the yellow pages are listed under social workers. But when you go to marriage, family and individual counsellors, there are over two pages. When you go to psychotherapy — now some of these people have doctor in front of their name —

Mr Klees: You should go. I'll make you an appointment.

Mr Kormos: That's not a very intelligent thing to say, Frank.

Some of these people have doctor in front of their name; others have no appellation. They call themselves psychotherapists, counsellors, marriage counsellors, sex counsellors, sex therapists, matrimonial counsellors, individual counsellors. Three social workers — unfortunately, that's a bogus argument. There may be other good arguments but that one's bogus.

Ms O'Connor: I think the point is that having this legislation in place, say I get nailed for being unscrupulous as a social worker, well, I'll just appear on another page.

Mr Kormos: Turn the page.

Ms O'Connor: So this legislation doesn't solve anything.

Aside from that, that represents a tiny bit of social work in Ontario, the world of private practice. When people walk into my health centre, I have never had someone ask me what my degree is, "Show me your papers." People come into our health centre because they're in desperate straits, facing urgent problems. They want to be treated with respect, with dignity. They want someone who's going to stand with them. They don't care about our credentials necessarily.

There are people who come into the health centre where I work specifically to speak to our receptionist because she's been through a civil war and she speaks five languages. There's very important work that she can do to help that person connect with another organization that I, as a white, middle-class, urban, professionally trained social worker would never be able to provide, that kind of introduction to our organization.

The Acting Chair: Thank you, Ms O'Connor. We appreciate your being here and your presentation tonight.

ONTARIO ASSOCIATION OF SOCIAL WORKERS, DURHAM BRANCH

The Acting Chair: We have one final presenter to the committee, somebody who is more used to being on the questioning side than the presenting side, I think.

Mr Drummond White: Thank you, Madam Chair. I'm very pleased to have the opportunity of speaking to the legislative committee on social development on this bill.

As people may recall, there was a private member's resolution some five years ago at this very time that received all-party support — and unanimous support —

that I put forth here in the Legislature. Mr Kormos, I believe, spoke on that at the time, and as I say, all three parties were in support. I'm glad to see that on this occasion all three parties are in support of social work legislation. I recognize many of my friends and colleagues in the audience and I want to thank them for their attendance and their interest.

My interest in addressing this bill is from a social justice perspective. Although I'll offer some caveats and some concerns about the process and the mechanisms of the bill and the college, I urge the committee to pass the bill and encourage the government of Ontario to consider these concerns within the context of regulations.

This is an important juncture for our profession. The long work and hopes of a vital profession should not be put on hold again. This process has endured many changes through many governments and shouldn't wait now for a perfect process.

I represent the Durham branch of the Ontario Association of Social Workers. Although it originally included only those social workers who lived or worked in Durham, it now includes some 150 members from Haliburton, Northumberland, Kawartha, Peterborough, as well as Durham. As a branch, we've been active on social work legislation, professional development and the representation of our members.

From the time of our foundation as a branch in the early 1980s — I was the founding branch president — we've always had an active role as social justice advocates and hosting forums for social policy development. As a snippet of that we co-sponsored a forum on child poverty fairly recently that the current minister attended and a day-long seminar on custody access disputes and families where woman abuse has occurred.

We're partners in the Durham Region Coalition for Social Justice, an active local group that promotes social justice issues in Durham. That group contains many social activists, many labour activists and many people who are our social service clientele. Through that group they're enabled to find a voice. We were instrumental in the founding of that group. I was the original chair.

Recently, the Durham District School Board put forth a plan that would close some eight schools in Oshawa. The Durham board sponsored me, as I offered my skills as a community organizer, to a group called Save Our Schools, which I chaired. Last night the Durham district board reversed many of the planned cuts because of our activism and instead they're reinvesting in schools in Oshawa.

Social justice issues and social policy developments are an essential part of social work values. There are many areas of social work practice. Personally, I've supervised MSW and BSW students in clinical, community development and social policy placements. Although I'm a therapist in a clinical setting, as a family counsellor, my work is constantly informed by social work's knowledge of students and of people within their psychosocial reality. My day-to-day work might be considered to be clinical and not far different from that of a psychologist or a psychiatrist in clinical practice. Still, I'd like to emphasize

the social justice component of this bill and of the proposed college.

A social worker who does not appreciate the needs of clients to have dignity in their workplace through a democratic collective bargaining process, a social worker who doesn't recognize the power her clients see her as having, a counsellor who ignores the unique strengths and contribution that culture may bring to a family, a worker who doesn't understand the stressors that underhousing creates, these are all therapists who are no longer social workers. These are therapists who have lost touch with social work values.

I'd like to emphasize a few points in the issues around the college in terms of public participation. As a profession, we are in some ways unique. As a profession, social work actively engages with our clientele. It is through the strengths and growth of our clientele that we have our successes, both in outcome and in process. For social workers to be judging the practice of other social workers, we need to be constantly reminded of that context.

Our profession should be judged both by our ethics and standards and by our clients. Our profession and our clientele would both be enriched by such accountability. Through being accountable to public representatives, our practitioners will be constantly reminded of the lives and the realities of those we serve. We'll be better social workers.

For this reason, I encourage the government to appoint public representatives who are representative of the groups likely to be social work clientele, such as the disadvantaged, those who've experienced childhood abuse or neglect and women who've experienced spousal abuse. Such representatives would need to be supported and encouraged to voice their concerns in that college.

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Clients as complainants: Through this legislation, social work will become more accountable to its clientele. Clients of social workers will have similar rights to those of medical doctors, masseurs and lawyers. The dignity and self-worth of social work will be enhanced through this accountability. As it presently stands, bushes are protected through the regulation of landscape architects, dogs through the veterinary college. Dogs and bushes are protected, although not from each other. Social work clientele are not protected from abuses of power by professionals, unethical behaviour or workers who've lost their skills or knowledge base. Now finally the concerns of families, adoptive children and mental health clientele can be heard in a context that will discipline our profession and make it more responsive and more accountable.

Social work clientele may need some additional support in making our profession so accountable. Many of the disadvantaged have lost their voices, and the process needs to support them in a sensitive and enabling way. This should be part of the enabling and self-determining process that our profession is dedicated to.

Employment issues: Social work values should inform both the practice of the individual social worker and of the employment setting. A social worker should be account-

able to her agency and her clientele for professional ethical behaviour. The agency should also be obligated to provide supports for her ethical practice. In Newfoundland, a professional social worker used his professional values as the basis for recognizing the distinct needs of Inuit family supports in a case against his employer.

With the promulgation and heightened identification of social work values here in Ontario, social workers should be better able to defend the interests of their clientele against those of institutions where they may be employed. The recognition of both social workers and social service workers seems to offer a recognition of the broad base of psychosocial services in Ontario. This duality should also serve to open up the profession both in the field and in academia. It should also broaden our base as social justice advocates.

As a profession, the achievement of legislation is important. Our clientele will now have more dignity. We need to move forward with social work goals and social work values. We need to ensure that a college is not a barrier to protect mediocrity but a vehicle to involve our clients and our communities. Through such a process of engagement, our profession should become richer and our clients stronger.

The Acting Chair: Thank you very much. We have somewhat less than two minutes per caucus, and I think this time we do start with the official opposition, if my memory is correct.

Mrs Pupatello: Thank you for coming. You have some history with the organization and certainly in this field. I'd ask you if you would support the membership of the 21-member council being representative of members from the faculty of a university, the faculty of a college and the First Nations, either individuals who serve First Nations people or a member of a band as identified under the Indian Act. Would you be supportive of those individuals having a representative on that council?

Mr White: Certainly. That fits within the realm I was mentioning before in terms of representatives from some of those social work groups.

Mrs Pupatello: I was thinking of the others you mentioned, because you mentioned quite a list; they would be harder to identify in terms of membership. We thought of the kind of amendment that would be appropriate, and we are thinking that that likely is one of them, and you'd be supportive of that?

Mr White: Yes.

Mr Kormos: Mr White, I've known you for a good chunk of time, and I have every confidence in your commitment to social justice. Quite frankly, you're one of the more persuasive advocates of this bill who have been here this afternoon. But in the social justice field, Bill 142, this government's welfare legislation, surely that's one of the things you have opposed?

Mr White: Our social justice coalition has very vehemently opposed that. We've held forums, had demonstrations and very certainly, as a professional association, were able to remove ourselves from our workplace to express our concerns.

Mr Kormos: That's why I found it bothersome when the Ontario Association of Social Workers appeared here on Bill 142 commanding the government for introducing the bill and suggesting that the thrust of Bill 142 is, among other things, consistent with social work values and principles. I found it a very troubling thing to come from the Ontario Association of Social Workers on September 30, 1997, when they made their submission in support of Bill 142. As I say, I trust your judgment absolutely. I find that submission, purportedly on the part of social workers, to be troublesome; I said so at the time.

Mr White: I quite agree with you on that point. As a member of a local branch, I expressed those concerns to our local executive, and our provincial board representative expressed that to the association in general. We have a vehicle by which we can promote that kind of dialogue, express those concerns, and the very people who are involved with those social policy developments can also have participation in the branch.

Mr Carroll: It's good of you to come forward tonight. It's nice to talk with somebody who represents an association that has been as maligned tonight in presentations as the government has. We share something in common. It's important that social workers have the right to speak out as associations, whether it's on Bill 142 or whether it's on this piece of legislation. I compliment you for coming forward and speaking positively about this piece of legislation.

I just want to talk a bit about the membership, the makeup you talked about, the seven people who'd be on there from the public. You were getting fairly specific when you talked about the kinds of people who should represent the public on there. Would you also endorse the fact that people serving on that college, be they representatives of social workers, social service workers for the public, should be people who have the capacity to look at a fairly large picture rather than be very myopic in their perspective? If we have seven public people on there who are just so tightly representing their particular area, will we ever have good discussions take place there? Do we need to have people who can look at a broader picture?

Mr White: I don't disagree that those are always concerns about people who are representing their own constituent groups. However, my experience has been that when people have that opportunity, when they're supported, they can gain a much wider perspective. I think our college and our profession would be well informed by people from native communities, from disadvantaged groups, who, through interaction with other folks, gain a wider understanding of other issues within the community.

The Acting Chair: That is our final presenter.

I seek consent from the government members of the committee. The opposition members have both indicated that they could be ready to resume the clause-by-clause hearings at quarter to 10, if that's agreeable to the government members, in order to expedite our committee hearings somewhat.

Mr Klees: We have no objection to that, on the understanding that we also have a commitment that we would

not prolong this next session. I'm looking at Mr Kormos —

Mr Kormos: I'm just getting my second wind.

Mr Klees: — who scares me when he has that look in his eyes.

The Acting Chair: I find it difficult to imagine that we're talking about prolonging something which has been as expeditious as these particular hearings.

Mr Klees: Expeditious to you, Madam Chair, and to Mr Kormos are two different things. That's fine with us.

The Acting Chair: We will resume at quarter to 10. For the benefit of anybody who has staying power and is interested, these committee meetings continue to be open to the public.

The committee recessed from 2120 to 2147.

The Acting Chair: As we resume clause-by-clause hearings, we should be aware that there is other business that is before the social development committee. It was originally intended that there would be a subcommittee to discuss that and report back to the committee, but given the lateness of the session — and I don't mean the evening session; I mean the House session — it would be very difficult to schedule a meeting of the subcommittee plus a meeting of the full committee to approve the minutes of the subcommittee meeting. Therefore, it's suggested that the full committee might deal with the remaining items that have been referred to the social development committee before we adjourn this evening.

An outline of four bills that have been referred to the social development committee has been tabled. At the conclusion of clause-by-clause, perhaps we could have some discussion of this motion at the full committee level, if that would meet with your agreement, Mr Carroll.

Mr Carroll: The only condition is that we're obligated to stop at 12 o'clock, regardless.

The Acting Chair: All right, in which case, if we're not able to deal with the business of the subcommittee in the full committee, we'll have to convene a meeting of the subcommittee tomorrow or Thursday.

Clerk of the Committee: The committee has no authority to meet tomorrow.

The Acting Chair: Can the committee not meet again tomorrow in order to send something to the House on Thursday?

Clerk of the Committee: No.

The Acting Chair: So if we're going to deal with any of the items that have been referred to the committee, which was part of the commitment of the subcommittee earlier on, we're going to have to deal with them.

Mr Klees: Chair, if I might, we had agreed last night that we would deal with the subcommittee issues following.

The Acting Chair: Exactly.

Mr Klees: So I think we should get on with the amendments and then see what occurs.

The Acting Chair: I agree. I'm just serving notice that that's another item of business that we do have to complete this evening.

If we can move to clause-by-clause consideration of Bill 76, the first amendment that has been tabled is on section 3. Therefore, I am going to place the motion on sections 1 and 2 before we move to section 3.

Any questions, comments or debate on section 1? If you're ready for the question, shall section 1 carry? Those opposed? Section 1 is carried.

Any debate on section 2? If you're ready for the question, shall section 2 carry? Opposed? Carried.

On section 3, there is an NDP amendment, which is the first one to be placed.

Mr Kormos: I move that subsection 3(2) be amended by adding the following:

“9a. To advocate on behalf of the public and its members for adequate resources for government-funded or government-mandated social services to assist its members in meeting the high standards promoted by the college.”

This amends the objects of the college and reflects the observations made through the course of these oh-so-brief hearings and in advance of these hearings as well. You can have this College of Social Workers and Social Service Workers, but when you've got government programs, transfer-payment programs and government-mandated programs being underfunded, being sabotaged by governments — as it is, by this government, and who knows, by subsequent governments — you have scenarios then when social workers and social service workers find themselves incapable of meeting the standards of the college because of the systemic underfunding or understaffing, a reflection of underfunding, or the imposition of too high a caseload on workers in any number of contexts, with tragic consequences. Ms Pupatello has referred to them, you've referred to them and people appearing before the committee in the course of these very brief hearings have referred to them in the abstract and in the general.

I'll give credit where credit is due. This was articulated in an editorial in the Toronto Star. I would ask the government members to take heed, because I'm sure they were quite comforted by that article in the Toronto Star which commended the introduction of social worker-social service worker legislation but then noted, with reference to what I've referred to, “Look, if a college is going to have the power to discipline, chastise, identify misconduct, failure to meet standards of workers, that college similarly has the capacity to advocate and point out shortcomings in terms of funding, in terms of staffing etc.” So I think government members may find this proposition attractive.

The Acting Chair: Further discussion on the proposed amendment?

Mr Kormos: Recorded vote, please.

Ayes

Kormos, Pupatello.

Nays

Carroll, Klees, Ross, Wettlaufer.

The Acting Chair: The motion is defeated.

There being no further amendments to section 3, I'll place the question as to whether section 3 shall carry. All those in favour of section 3 carrying? Those opposed? Carried.

There is an amendment to section 4. It is a Liberal amendment.

Mrs Pupatello: I move that section 4 of the bill be amended by adding the following subsection:

"Same

"(2.1) Among the persons appointed under clause (2)(c), there shall be," — and this speaks to the three groups of seven that would be appointed to the council and, in the third set, appointed by the Lieutenant Governor —

"(a) at least one person who is a member of the faculty of a social work program approved for the purposes of subclause 18(1)(b)(i);

"(b) at least one person who is a member of the faculty of a social service work program approved for the purposes of subclause 18(2)(b)(i);

"(c) at least one person who is a social worker or a social service worker and,

"(i) is a member of a band as defined in the Indian Act (Canada), or

"(ii) has clients who are members of a band as defined in the Indian Act (Canada); and

"(d) at least one person who is not a social worker, a social service worker or a person described in clause (a) or (b)."

I think this will find support in the community of social workers and social service workers in that it insists, dependent on how the other two groups come forward with their groups of seven which will be on the council, that we would ensure that faculties at a college and university level have at minimum one member. The bands, as identified in a letter that we all received at committee, although they couldn't participate in hearings, it's clear, are more and more the deliverers of social services for First Nations people. Given various variables that are defined almost exclusively for them, they would have an interest in having a part to play in this council.

And (d), the selection of a person who is not a social worker or a social service worker, really speaks to a member of the general public who might well be represented as or called a client or who could have been a client, although any of the above could have been. It really speaks to people who are the receivers of service, people who would be on the receiving end of services or members of the general public, so that someone who would be selected by the Lieutenant Governor could be there to sort of stand guard for the general public and always keep in mind at that round table that everything that happens at that council is reflective of what is in the best interests of the general public as well.

I would suppose that this would be fairly innocuous and would receive support by all parties, given what we've heard tonight from all presenters, in particular those who are in favour of the bill. Given that the council is made up

of 21 members, it would be reasonable that at some point the Lieutenant Governor's appointment would ensure that these individuals be a part of that 21-member council.

Mr Kormos: I'm going to support the motion. Again, I would suggest that this motion begins to raise problems with section 4 that may well not even have been anticipated in its initial drafting but are a reflection of the haste and the failure of the government to accommodate appropriate hearings.

Clearly, the amendment addresses the concerns about First Nations' delivery of social services. Again, I appreciate what the member is trying to do here. I have a little problem with the mere qualification "has clients who are members of a band," but I appreciate that it anticipates a problem of the reality of there not being a candidate who is an actual social worker who is also a First Nations person, although I would hope that wouldn't be the case.

Let's take a look at subsection 4(2) itself. Look at what it does. It says seven elected members shall be social workers, seven elected members shall be social service workers, but they will be elected by all of the membership. If this is what was intended, God bless. But what it means is that it's not social service worker members who are electing the social service worker council members and, similarly, social worker members who are electing the social worker council members.

It's sort of the same way that Catholic board supporters get to vote for the Catholic rep of a school board and public, non-Catholic people get to vote, and not the two intermixed. I'd like the government to address that. Is that what they really intended here? Did they really intend for the whole college to elect these two groups?

I don't know the numbers and, of course, we can't even begin to anticipate the numbers. I'm advised that there may well be, in terms of gross numbers, more social service graduates in the province than there are BSW, MSW, PhD types. Because of that majority, if their membership in the college is proportionate to their population in the province, you've got a larger group — let's assume it's social service workers, which is what I'm advised and what my guesstimates tell me would be the case — which is also electing or has the power to determine who the social work representatives are going to be.

So I don't know. If that's what people wanted, fine. But I'm not sure they really wanted that. I'm not sure that they didn't really want to consider that maybe the social service members of the college should elect the seven social service members of the council and the social worker members shall elect the social worker members of the council.

The Acting Chair: Do you want the government to respond?

2200

Mr Kormos: I'd love to. All I'm saying is that Mrs Pupatello's amendment is more than worthy of support but all it does is demonstrate the vagueness and the lack of clarity in the section itself. Let's hear what the government has to say. Is this what they really intended and how do they justify that?

The Acting Chair: Does anyone care to respond on the government's behalf?

Mr Klees: I'd be pleased to do so, Madam Chair. The intent is that the college would certainly make provisions for these issues of who votes for who within its bylaws. I think that's very clearly stated in the legislation. We would expect, having expressed confidence in these professionals to self-regulate and to carry on the responsibility of providing this kind of oversight to their profession, through their college, that they would also take into consideration all these issues that this amendment before us addresses in their deliberations. So we will rely on the wisdom of the college to deal with these issues.

The Acting Chair: I trust, Mr Kormos, you're going to point out the wording of the legislation.

Mr Kormos: Yes, ma'am. "In accordance with the bylaws," Mr Klees, means the procedure for voting. The bylaws can't detract from the authority given in the act itself. My goodness, that's basic, that's fundamental. It says here seven social workers "elected by the members of the college." Now, "in accordance with the bylaws" can only mean the form of ballot, the method of balloting, be it by mail etc. The bylaws cannot detract from the substance of the section.

I wish it were as simple as you put it. Unfortunately, I don't think it is. Again, this may well be what was intended. There was a feckless nod or maybe it was just a twitch, or a response to a cold draft, from one of the staff. I'd just like to know what the intention is. I think it's important for the committee hearing to have on record what the intention is so that when this matter becomes the subject matter of dispute down the road, some poor litigant — I suppose they won't be so poor if they just go to the Board of Internal Economy; the cash flows there, just turn the tap on — can rely upon the transcript of the Hansard. I wonder, Chair, if that question could be put to staff.

Mrs Pupatello: Ask legal counsel. I don't think that they're allowed to speak.

Mr Kormos: They're not allowed to speak?

Mrs Pupatello: I don't think so.

Mr Kormos: I suppose if I were to ask them whether they were allowed to speak they couldn't answer, if they weren't allowed to speak. It would be one of those conundrums.

The Acting Chair: I think legal counsel can speak to what's in the act. I'm not sure that legal counsel can speak to the intent.

Mr Kormos: What if they called a committee meeting and nobody could speak?

The Acting Chair: Mr Kormos, the difficulty is that the legislation is quite clear. Legislative counsel is not in a position to be able to speak to the intent of the ministry in drafting the legislation.

Mrs Pupatello: That's a very good argument to make as to why ministry staff should be allowed to speak, Chair.

The Acting Chair: Legislative counsel is prepared to answer the question, Mr Kormos.

Interjection.

Mrs Pupatello: I would suggest that you make a lot more than I do.

The Acting Chair: Mrs Pupatello, shall we hear from legislative counsel? The evening is waning.

Ms Elizabeth Baldwin: My reading of the provisions, and others may have a different reading, would be seven social workers who are members of the college and who are elected by the members of the college as whole.

But it may be of some assistance to go to the bylaw-making authority in order to clarify that. The bylaw-making authority, subsection 37(1), paragraph 5, says, "respecting the election of council members, including the requirements for members of the college to be able to vote," which is reasonably broad, "electoral districts and electoral recounts."

Mr Kormos: Let me ask legislative counsel, then, if she, in her wisdom, would interpret that as meaning that, to wit, who may be eligible to vote as being peculiar to each of the two clauses — obviously, I'm speaking of clauses (a) and (b) — as compared to a broad eligibility, to wit, good standing, fees not in arrears, compos mentis etc, which are general — I'm just doing my incompetent best here, counsel — as compared to specific. Counsel is sort of opening the door to say who is eligible to vote implies who is eligible to vote for social worker members as compared to who is eligible to vote for social service members of the council, respectively.

I'm saying, is she prepared to go that far in terms of her interpretation of section 37 etc, as compared to just the broad eligibility to vote? Because that distinguishes clause (a) from clause (b) when you talk about eligibility to vote; to wit, who is eligible to vote under clause (a), who is eligible to vote under clause (b). I'm suggesting, with greatest respect to counsel, that's a pretty bold leap, as compared to the general issues of eligibility and, as I say, to wit, in good standing, still resident in the province, up-to-date in terms of your annual filings, stuff like that. This will be my final query of her, I think.

Ms Baldwin: I think, as I said before, I would read both clauses (a) and (b) to be providing that the election of both the social workers and the social service workers is done by the members together, all of them. It may be that the government or staff from the government wishes to speak to this. I don't know, but that would be my reading.

Mrs Pupatello: Chair, could we ask the government members to address that? Was it in fact the intent that the college membership as a whole would vote for both social service worker representatives and social worker reps together? Was that the intent, that you would make that distinction, that you needed to be a social service worker to vote for social service worker reps?

Mr Klees: It seems to me that would be my reading of it as well. I have no problem in asking one of our staff who was involved in the drafting of this to make their comment as well. Could I ask for a volunteer to come forward and just give us their very brief comment on that. It's a straightforward question.

Mr Kormos: This is like Spartacus freeing the slaves. You get them to come to the mike and speak.

Mr Klees: There will be dancing in the streets.

The Acting Chair: Could you please identify yourself by name for Hansard.

Ms Trish Baynham: Trish Baynham. We felt that the bylaw-making power was broad enough that if they chose, in their wisdom, to have people vote for only their sector, that was possible the way the bylaw was written.

Mr Kormos: If I could put another question: We've had some people here today who were both social service diploma people, hence eligible to be social service workers, as well as BSW and/or MSW and/or PhD types. If I were one of those, I would have an option, I suppose.

Mr Klees: I think, Mr Kormos —

Mr Kormos: One moment, Mr Klees.

Mr Klees: You're now getting into the details, which I said at the very outset are matters to be determined by the college. They will have the authority to make those decisions.

The Acting Chair: Mr Kormos, first of all, has the floor. Second, while you may have said that, there is a legislative counsel interpretation which is somewhat different from what you've put on the record. I think Mr Kormos's questions are legitimate.

Mr Klees: I didn't think there was any difference.

2210

Mr Kormos: Do I necessarily opt for one or the other? Does one automatically pre-empt the other? That is to say, if I'm a diploma-holder from a community college plus a BSW, am I necessarily compelled to be a social worker as compared to a social service worker? I say this particularly not in terms of the labels but more so when you get down to the right to vote. Do you understand what I'm saying? You see the issue I'm raising. This isn't a far-fetched one, because we heard from several people here today already who had diplomas as well as university degrees. Do you have dual membership? Is it like having dual citizenship?

I've got a cousin from Mobile, Alabama. She's got dual citizenship because she was born here but her mother moved to Florida when she was a child.

So is it like dual citizenship or do I have to opt for one or the other, or does one take precedence over the other, and what does that mean, then, in terms of my right to vote? If I'm both a social service worker and a social worker, do I get to vote twice?

Ms Baynham: I guess I would say those would be the kinds of decisions that the council would make in terms of determining the requirements. They are self-regulating.

The Acting Chair: I would simply remind the committee that there are no limits on the discussion or the questions that can be asked, as long as they're relevant to the sections that are under discussion. There are no amendments on this particular issue, and it is now not possible to table amendments, either by the government if they wished to or by the opposition.

Mrs Pupatello: There is an amendment on the same section.

The Acting Chair: Yes, but it doesn't deal with this particular —

Mr Klees: I accommodated the request for some clarification. I think the clarification was provided. I'm certainly not interested in further debating this point.

The Acting Chair: May I correct my own record. The clerk tells me that because there's no time allocation motion and because I guess it's a somewhat unusual process, it is possible to simply present amendments during the course of the discussion.

Mr Kormos: You've opened the door.

The Acting Chair: I have indeed opened the door, wilfully or not. There's got to be some process left here.

Mr Klees: I thought there was time allocation until 12 o'clock.

The Acting Chair: We have a time in terms of the sitting, but not a time allocation in terms of the presentation and tabling of amendments. If it takes us until 12 o'clock to deal with this section, then I would assume that — we are not under time allocation, other than to complete the committee hearings. In fact, perhaps I'll ask for the clerk's direction in terms of the motion that passed the House as to whether or not all amendments have to be placed if not presented by a particular time, and does the balance of the bill clear committee of the whole?

Clerk of the Committee: This committee's not under time allocation, which means there are no specific instructions as to when amendments must be filed. It's the committee that made the decision that they would file amendments today at 9. It's the committee that made the decision that they would meet today until 12. The motion that passed in the House today simply stated that the committee may meet beyond its regular adjournment time. The committee's regular adjournment time was 6 pm, so the motion in the House was not limiting the committee. It was allowing the committee to sit this evening.

The Acting Chair: So there's not even an adjournment time of midnight?

Clerk of the Committee: No.

The Acting Chair: Is there any requirement that we complete the clause-by-clause analysis of the bill today?

Mr Klees: Chair, if I might —

The Acting Chair: Mr Klees, may I just determine exactly what motion we are operating under before anybody else speaks.

Clerk of the Committee: The committee has agreed to sit to deal with clause-by-clause until 12 this evening. The House facilitated the committee to meet beyond 6 pm, period.

The Acting Chair: But the committee is not required by the motion in the House to report back?

Clerk of the Committee: No.

The Acting Chair: Therefore, there is a need for some degree of co-operation if it is the desire of the committee to report back to the House in time for this piece of legislation to be passed.

Mr Kormos: I'm eager to see this bill dealt with this evening. If we didn't have all this argument about whether or not a civil servant was allowed to respond to questions, we could have had her responding to my final question. We could have moved on.

Mr Klees: We did that.

Mr Kormos: I propose, Chair, if I may, to put one more question to our civil servant.

The Acting Chair: I believe that's up to the government members.

Mr Klees: Chair, we had an agreement that we would deal with this matter expeditiously. I took my colleague at his word and I would ask that we proceed accordingly.

The Acting Chair: You may ask. I'm not sure that Mr Kormos is obligated to acquiesce.

Mr Klees: Well, then, may he continue.

Mr Kormos: Madam Chair, this will be as expeditious as the government permits it to be. Can I put a question to the staff member from the bureaucracy?

The Acting Chair: Mr Klees, are you in agreement with having a staff member continue to —

Mr Klees: We're dealing with the amendments that are before us. I think the member of staff has responded to the question. I don't wish to take any further time on that issue.

The Acting Chair: I appreciate that, but Mr Kormos does wish to take some further time, and since we're not time-allocated, there is no way in which the Chair can impose restrictions upon the participation of members. Therefore, he has requested that in order to expedite it you allow a staff member to answer a question. If the answer is no, then I —

Mrs Pupatello: Chair, if I may, what we are down to is that a government member who is a parliamentary assistant doesn't want to allow ministry staff — not political staff but ministry staff — to answer the question put to him by Mr Kormos. The result of that will be that we will be here until tomorrow morning.

I realize you and I have only been in this House for three and a half years, but Mr Kormos has a history, and my advice is, don't go there. Let them answer the question.

Mr Klees: He's got a sleeping bag in every corner.

The Acting Chair: If I may just make sure the committee is clear on this, Mr Klees, Mrs Pupatello and Mr Kormos, as I understand what the clerk has said, the committee is only able to sit until midnight by motion of the committee. What is at stake here is whether or not we complete clause-by-clause analysis and whether this bill is referred back for third reading to the House. It's my understanding that all three parties would like to see this bill referred back. I think that behoves all members, including the government members, to attempt to deal with this expeditiously.

Mr Klees, I would respectfully suggest that if we can move this process forward by allowing a staff member to answer one question, we accommodate that so we can complete clause-by-clause analysis tonight.

Mr Klees: Do I have an undertaking from Mr Kormos that one question will be his limit here? If I have that undertaking from Mr Kormos so that we can proceed, I'm prepared to agree to that.

The Acting Chair: Mr Klees, you can ask for that undertaking. I want to express concern, as Chair, that I

think we are in very serious danger of losing our ability to report back —

Mr Klees: I make that request to Mr Kormos through you, Chair.

Mr Kormos: Perhaps the Chair might use its prerogative to call a five-minute recess, because maybe Mr Klees wants to talk to Mr Andreae about the fact that this bill can be completed by this committee this evening if government shows even a modest amount of accommodation.

We've got a small number of amendments. We've got a total of nine amendments. That doesn't take very long to deal with. Some of them are more consequential than others, some of them involve more discussion than others. I've asked for an opportunity to ask questions of bureaucrats who are here, of civil servants who are here who have a responsibility to all members of the Legislative Assembly, not just to Mr Klees.

I suggest that Mr Klees talk to Mr Andreae about how important it is to the Ontario Association of Social Workers to have this bill passed tonight, because quite frankly it's not in my hands, it's in Mr Klees's hands.

Mr Klees: Chair, I've had a great deal of discussion with Mr Andreae. In fact, I had a discussion with Mr Andreae on the evening when Mr Kormos's party refused to honour their agreement to move to second reading.

The Acting Chair: I am going to use the Chair's prerogative and take a five-minute recess because I want to see us complete clause-by-clause analysis tonight. I don't think we should at this point get bogged down in some kind of bickering that's going to make this bill end up in limbo for another who knows how long a period of time.

We'll resume in five minutes and I trust that we'll be able to proceed with this discussion.

The committee recessed from 2220 to 2232.

The Acting Chair: I'm anxious that we resume. I appreciate the fact that Mrs Pupatello is not here. Would it be appropriate if we stand down this section until Mrs Pupatello returns so that we can complete the discussion with all members present, move on to sections on which there has not been a proposed amendment, and return immediately to section 4 when all members of the committee are present? Do I have unanimous consent to do that in order to expedite the evening? Agreed. Then we'll stand down section 4 and move to section 5.

There are no amendments to section 5. Any discussion on section 5? Shall section 5 carry? Carried.

No amendments to section 6. Any discussion on section 6? Shall section 6 carry? All those opposed? Carried.

Mrs Pupatello, we stood down section 4 until your return. With the committee's agreement, there are no amendments from here until section 17. I'll place all of those sections. Do I have the committee members' agreement? Mr Kormos? Mrs Pupatello? I just want to be sure that we're not bypassing some discussion that might take place on these sections simply because there's no amendment. I'm on section 7. I'm going to move through section 17. There are no amendments. I'm going to ask for discussion on each of those sections. I'm not wanting to limit

discussion. If there are questions or concerns, we'll obviously entertain them. I just want to be sure you're with me and then we'll revert back to section 4.

Section 7. Is there any discussion on section 7? It's pretty limited. Shall section 7 carry? Opposed? Carried.

Section 8. Any discussion on section 8? Shall section 8 carry? Opposed? Section 8 carries.

There's no amendment on section 9. Any discussion on section 9? Shall section 9 carry? Opposed? Section 9 carries.

Section 10. Any discussion on section 10? Shall section 10 carry? Any opposed? Section 10 carries.

No amendments on section 11. Discussion on section 11? Shall section 11 carry? All those opposed? Section 11 carries.

Section 12. There are no amendments. Any discussion on section 12? There being no discussion, shall section 12 carry? Opposed? Section 12 carries.

Section 13. There are no amendments. Any discussion on section 13? Shall section 13 carry? Opposed? Section 13 carries.

No amendments on section 14. Any discussion on section 14? Shall section 14 carry? Opposed? Section 14 carries.

No amendments on section 15. Any discussion on section 15? Shall section 15 carry? Opposed? Section 15 carries.

No amendments on section 16. Any discussion on section 16? Shall section 16 carry? Opposed? Section 16 carries.

There are no amendments on section 17. Is there any discussion on section 17? Shall section 17 carry? Opposed? Section 17 carries.

We'll revert back to section 4, just to pick up the discussion. Perhaps I could offer some attempt at clarification based on the discussions at the recess. The government's intention seems to be backed by the discussions of people who have been following this most closely, which is that it was expected that with the bylaw-making capacity the college would have the capacity to determine which of its voting members would be able to vote for the panels of representatives.

I think legislative counsel can't provide an absolute assurance that that would not be challengeable, given the wording of the act and the somewhat greater degree of ambiguity under the bylaw-making capacity of the college, but that is the intention. At this point in time it is not proposed by the government to table any amendment for further clarification of that intention, so the college is left free to at least attempt to make that determination through its bylaw-making capacity.

Mr Kormos: I accept that response. However, that then begs this question: In view of the fact that it's a seven-and-seven proposition — seven, seven, seven — that you've got equal representation of social workers, equal representation of social service people, without regard for the actual numbers of social workers, the actual numbers of social service people — and we haven't had any data. Again, I'm assuming, based on some real quick

information — I've talked to some of the people here in the audience who tell me that, yes, there are probably a whole lot more social service people than there are social workers, based on the definitions in the legislation.

That still doesn't permit us to conclude how many of those will actually become members of the college. It depends on so many things: the context of their workplaces, whether they're out there in the private sector, whether they're self-employed as such, where one could assume there's more likelihood of there being BSW-MSW types out there in the private sector self-employed. It's just a gut assumption.

If we accept that response by way of the policy goal, which seems to be one that facilitates the college council — but the council isn't elected yet so I don't know how you're dealing with the first election. I'm sorry I even mentioned that. How you deal with the first election then becomes problematic, doesn't it, because you don't have a council that makes that determination in terms of bylaws. But that could be dealt with in a transitional framework.

If you've got equal numbers, seven and seven, does that assume there's equal membership of social service workers vis-à-vis social workers or is it regardless of the membership? So even if 10% of the membership are social workers, they will still elect one third of the council, and 90% of the membership will elect but one third of the council. Is that one of the considerations in the policy objective that you've relayed through legislative counsel, that there will be no regard to the makeup in terms of membership of the college?

The Acting Chair: Mr Klees, will you respond to that, or you can have a staff member respond?

Mr Klees: I don't know what it is that Mr Kormos does not understand about the intent here that we leave those decisions to the college to decide upon. I'm happy to have a staff member address this issue as well and provide their opinion on this, but I can say again, as I said at the outset of this discussion, that the intention behind this legislation was that those decisions would be left up to the college, to the council, to decide how those bylaws would be structured to best represent the membership that the college then represents.

2240

The Acting Chair: Mr Kormos, did you have a further question that you wished to have a response to?

Mr Kormos: Yes, please. Perhaps we could do this all in one fell swoop. Then it rests upon the transitional council, solely appointed by the minister, to set these rules, not an elected council of members of the college, it would appear. It would be the transitional council that's appointed by the minister rather than elected members of the council who would make that determination.

I'm wondering if the staff could respond. (1) Was that indeed the policy consideration, as Mr Klees related it, and (2) if that was the policy consideration, was there then a consideration that the council has a capacity to change the numbers from seven to lesser if indeed that is reflective of the proportionate membership of the college?

The Acting Chair: If a staff member is going to respond to this question, I'd ask that the appropriate staff member come and speak into the microphone for answers.

Mr Kormos: Before you start, how many social service workers are there potentially to belong to the college as compared to social workers? I appreciate we don't have numbers, but we must have some idea of percentages who are likely to belong to the college.

Ms Baynham: There could well be more social service workers in that there are 22 college courses or thereabouts. That being said, there are probably fewer job positions entitled "social service worker." I think we don't know. It will be up to individuals and time will tell.

Mr Kormos: The matter of the transitional role in terms of setting the rules for voting bylaws, and also, was the policy consideration to keep the membership seven and seven constant regardless of what percentage their electors constitute of the total body of the college?

Ms Baynham: The seven-seven is in the act, so that would require a major change, not easily done. So yes, that was seen as being constant. The equal membership, the equal representation was seen as being very important by the people we consulted with. But it was the intent that through bylaws they could determine whether the full body voted for each member or otherwise.

Mrs Pupatello: If that's the case, if it was so critical to keep the numbers equal, seven and seven, then the balance of seven that would be appointed by the Lieutenant Governor could again put the number at an imbalance, because if the Lieutenant Governor chose to appoint only social workers, then you would have 14 social workers and seven —

Ms Baynham: But the intent of the seven appointed is that they would not be professionals in any event, professional social workers or social service workers.

Mrs Pupatello: It just says "seven persons." It doesn't say that they're not social service workers or social workers, so they essentially could be.

Ms Baynham: They could be, but —

Mrs Pupatello: Should clause (c) read that the seven persons who are appointed are people who are not social workers and not social service workers? If that's the intent, should it read that?

Ms Baynham: I suppose it leaves a little more flexibility the way it is, but that's certainly been the discussion.

Mrs Pupatello: It would be imbalanced again, you mean, if they were social workers or social service workers?

Ms Baynham: I think the intention of having public members is that they are not professional members.

Mrs Pupatello: Should it say "members of the public" then, if you say public persons? Should it read "members of the public"?

The reason I ask that is, in the motion we're advancing it suggests that the seven people who are appointed by the Lieutenant Governor would then ensure there's representation from faculty of a college for a school of social work as well as faculty from a university for a school of social

work, and the third being a representative of First Nations, which could be one of the seven. It just identifies them so that they could be all of the above etc, but they would also be those three things, which is why we advanced it. There is no assurance they would be, and at minimum in the beginning we don't even know what the numbers are out there who would be members, what weight they would each have etc.

Ms Baynham: But the college does have the ability in their bylaws to say that one seat of the seven elected would be a representative from a faculty of education. They can do that.

Mrs Pupatello: Because all of these appointments and in fact everything that's prescribed in regulation has to be approved by cabinet — it was suggested earlier that wasn't the case, but in fact that is the case. It says the regulations are to be made by the council, reviewed by the minister and approved by the Lieutenant Governor. Essentially, if that's not what they came back with in their bylaws, they could not be approved by the government — is that correct? — if it was the will of the government to do so.

Ms Baynham: I believe that's always the case with legislation, yes.

The Acting Chair: There is before us one amendment to section 4. Is there further discussion on the Liberal amendment on section 4?

Mrs Pupatello: Recorded vote.

Ayes

Kormos, Pupatello.

Nays

Carroll, Hudak, Klees, Wetlaufer.

The Acting Chair: The motion is defeated.

Is there further discussion on section 4? If there is no further discussion, shall section 4 carry? Opposed? Section 4 carries.

We are now on section 18. I'll give the committee a moment to catch up. I believe there is a government amendment to section 18.

Mr Kees: I move that subclause 18(1)(b)(i) of the bill be struck out and the following substituted:

"(i) has obtained a degree in social work from a social work program accredited by the Canadian Association of Schools of Social Work, a degree from a social work program or an equivalent program approved by a body prescribed by the regulations or a degree from a social work program or an equivalent program prescribed by the regulations, or".

The reason for this amendment is that the original wording refers to a degree in social work and there is no such degree existing to comply with that particular wording. So it is a degree from a social work program. We wanted to clarify that. It's a technical clarification that was recommended by our counsel.

The Acting Chair: Is there any discussion on the proposed amendment?

Mrs Pupatello: Who was that recommended by?

Mr Klees: That was recommended by our staff.

The Acting Chair: Mr Kormos, do I detect your hand about to rise?

Mr Kormos: Yes, ma'am. There are degrees in medicine, there are degrees in law, there are degrees in science. Is a bachelor of social work not a degree in social work? I put that question to the legislative counsel who, since it's a question of policy, would have to consult with the bureaucrats who are here.

Ms Baynham: What's the question you are putting to me, Mr Kormos?

Mr Bud Wildman (Algoma): Isn't there a degree in social work?

Mr Kormos: There are degrees in medicine, degrees in law, degrees in science, degrees in home economics. Are there not degrees in social work, to wit, a bachelor of social work or a master of social work?

Mr Klees: I'm prepared to call on our trusted adviser who recommended this technical change in the first place. Where be that trusted adviser?

Ms Baynham: One of the issues that was brought forward, and I think it was heard tonight, was the concern that there is a body that accredits social work programs. The wording of this amendment not only recognizes that, so those programs would be automatically approved by the college, so to speak, but in addition, the wording as it is now would allow the regulation to say that we approve programs accredited by the American association of social workers, if there is such a thing, or the European whatever, so you didn't have to list every single social work program that was approved.

2250

Mr Kormos: That I understand. So it has nothing to do with what Mr Klees had to say.

Ms Baynham: I think that was also just improving the wording.

Mrs Pupatello: We met a little while ago for a very brief briefing. It's terrible how brief the briefing was. In any event, I spoke to the group that was there about the issue that schools of social work had. By wording it as the Canadian Association of Schools of Social Work, does that completely remove the concern they had about integrity of setting their own academic programs? By setting their own academic programs, they still have to meet the accreditation of the Canadian Association of Schools of Social Work.

Ms Baynham: Right. In the correspondence they had with us, it was clear they felt that it was a duplication of efforts since they had to be accredited in any event. So if that body accredited them, then that would be acceptable to the new college.

Mrs Pupatello: A supposed fly-by-night operation that has a sort of mail-in diploma of social work, if you will, is that covered under the college having to identify it as a prescribed program?

Ms Baynham: Right. So it wouldn't be on the list.

Mrs Pupatello: Unless the college reviewed it itself. It would also cover international schools such as an American college?

Ms Baynham: Yes.

Mrs Pupatello: Would it be up to the college to seek out information to have it approved or on some kind of approved list?

Ms Baynham: There is a Canadian Association of Social Workers that looks at degrees from other jurisdictions beyond Canada. So the way we've worded this, they could probably list that as well, should they choose to. As the body, if they approve it, they will agree to it.

Mrs Pupatello: Thanks.

The Acting Chair: Any further discussion on the amendment? No. Shall the amendment carry? All those in favour? Opposed? The amendment carries.

Is there further discussion on section 18? If there's no further discussion, shall section 18, as amended, carry? Opposed? Section 18 carries as amended.

Discussion on section 19? There are no amendments. Shall section 19 carry? Opposed? Section 19 carries.

No amendments to section 20. Any discussion on section 20? Shall section 20 carry? Opposed? Section 20 carries.

There are no amendments on section 21. Is there any discussion on section 21? No. Shall section 21 carry? Opposed? Section 21 carries.

There are no amendments on section 22. Is there any discussion on section 22?

Mrs Pupatello: One of the speakers this evening spoke about a body that would govern those who were not found to be in compliance, or whatever the language is, in section 21, if they refused to issue a certificate or whatever they do. Was the government going to consider any kind of council that would be the referring body for individuals who weren't satisfied with their dealings with the college?

Mr Klees: There's an internal appeal mechanism that's provided for within the legislation. We contemplate nothing beyond that.

Mrs Pupatello: Would that be almost a separate tribunal but still within the same membership of the college? Is that listed as one of the committees or something that was struck?

Mr Klees: There's a separate disciplinary process that's provided for. We don't anticipate anything separate apart from that.

The Acting Chair: Further discussion? If there is no further discussion, shall section 22 carry? Opposed? Section 22 carries.

There are no amendments to section 23. Is there any discussion?

Mr Kormos: It speaks of a failure to pay a penalty: "failure to pay a...penalty prescribed by the bylaws." I'm looking at the bylaws and I'm sure I'll find it if I look hard enough. I'm just wondering what the government, by way of policy, contemplates. What could be an offence that would result in a monetary penalty? I'm wondering what

they're contemplating here and how the bylaw addresses it. Fees I understand. Penalty?

Mrs Lillian Ross (Hamilton West): At the top of page 29, paragraph 28, it talks about "annual fees, fees upon registration," and if you read further it says "or authorized to" require "members to pay penalties for the late payment of any fee and specifying the amount of any such fee or penalty."

Mr Kormos: We can see that here. A question to the legislative counsel I guess more directly to policy, and I want it on the record: I want to know whether the government is contemplating giving the college the power to make bylaws that would permit it to oppose penalties. A parallel would be the way in a professional sports arena penalties are imposed upon participants for misdemeanours, for misconduct. Quite frankly, I don't want that to be contemplated.

The Acting Chair: Mr Kormos, are you placing the question to the legislative counsel?

Mr Kormos: Yes.

Ms Baldwin: I'd prefer to refer it to counsel for the ministry, Mr Kormos.

Mr Kormos: I thought so.

Ms Baynham: It was certainly not contemplated. It was strictly things around administrative penalties that could be imposed and not penalties related to misconduct.

The Acting Chair: Is there further discussion on section 23? Shall section 23 carry? Opposed? Section 23 carries.

There is an amendment from the NDP on section 24.

Mr Kormos: I move that subsection 24(2) of the Bill be amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding the following clause:

"(c) the subject matter of the complaint was beyond the control of the member because of a policy or practice of the member's employer."

This again refers to what I believe was our first motion here by way of amendment. That is to say it protects a social service worker or a social worker from disciplinary hearing. I would suggest to you that it protects that worker if the worker was complying with a practice or policy of the employer, or if the social service worker or social worker's conduct that's being complained of was necessitated by or was the direct result of a practice or policy of the employer. Once again, this relates not only to specific directions, saying, "You shall do X, Y, and Z," but also to circumstances that the employer creates that result in that social service worker or social worker doing what it is that's complained of. I can just off the top talk about matters of let's say excessive caseloads for social workers or social service workers. That should constitute a defence to a complaint and that's what the intent of this amendment is, among other things.

The Acting Chair: Is there any further discussion of the amendment? If there's no further discussion, I'll place the motion on the amendment.

Mr Kormos: Recorded vote, please.

Ayes

Kormos, Pupatello.

Nays

Carroll, Hudak, Klees, Ross, Wettlaufer.

The Acting Chair: The amendment is defeated.

Is there further discussion on section 24? If there is no further discussion, shall section 24 carry? Opposed? Section 24 is carried.

Section 25. There are no amendments. Is there any discussion on section 25? No. Shall section 25 carry? Opposed? Section 25 carries.

Section 26, there is an NDP motion to amend.

2300

Mr Kormos: I move that section 26 of the bill be amended by adding the following subsection:

"Exception

"(2.1) The discipline committee shall not find a member guilty of professional misconduct under subsection (2) if, after a hearing, the committee believes that the subject matter of the complaint was beyond the control of the member because of a policy or practice of the member's employer."

Once again, this is consistent with motion number 4, which constitutes a defence against a complaint for a social service worker or social worker when the practice complained of or the conduct complained of was beyond the control of the social worker or social service worker.

The Acting Chair: Further discussion on the amendment? There being no further discussion, I'll place the question.

Mr Kormos: Recorded vote, please.

Ayes

Kormos, Pupatello.

Nays

Carroll, Hudak, Klees, Ross, Wettlaufer.

The Acting Chair: The amendment is defeated. There is a further amendment to section 26.

Mr Kormos: I move that subsection 26(9) of the bill be struck out and the following substituted:

"Costs

"(9) The discipline committee may order that the college reimburse the member of the college for his or her costs or the portion of them fixed by the committee if,

"(a) the committee believes that the commencement of the proceeding was unwarranted; or

"(b) the subject matter of the complaint was beyond the control of the member because of a policy or practice of the member's employer."

If I may once again very briefly, this goes to the matter, quite frankly and very obviously, of awarding costs not

only if it's unwarranted, and that's contained in the existing bill, but if indeed — self-explanatory — this alleged conduct complained of flowed from a policy or practice of the employer in which clearly the social service worker or social worker did not determine his or her own fate in the matter.

The Acting Chair: Further discussion on the amendment? If there's no further discussion, I'll place the question.

Mr Kormos: Recorded vote, please.

Ayes

Kormos, Pupatello.

Nays

Carroll, Hudak, Klees, Ross, Wettlaufer.

The Acting Chair: The motion is defeated.

Mr Kormos: Again a question to legal counsel. The test here is belief. If "the committee believes" —

Ms Baldwin: I'm sorry; I don't know where you are.

Mr Kormos: My apologies. Section 26.

The Acting Chair: The section hasn't been placed yet.

Mr Kormos: I'm sorry, counsel. This is specifically subsection (2), if "the committee believes" that the member has engaged in conduct. I wonder if legislative counsel could help us, just so we all know, what "believes" means in terms of the test or the standard of proof.

The Acting Chair: Counsel, would you care to respond to that?

Ms Baldwin: What does "believes" mean? "Believes" means "believes." I don't understand what you're asking, Mr Kormos.

Mr Kormos: You know that we have various tests. We have tests of balance of probabilities. We know what that means because we have direction in that regard. We know what "beyond a reasonable doubt" means. We know what "reasonable and probably" means. I'm concerned about what "believes" means. To some people who think this is a silly proposition, I tell you it's a very serious question, and because it's undefined, that's why I need some help here.

"Believes" is not if the committee finds beyond a reasonable doubt. "Believes" is not if the committee finds on the balance of probabilities. "Believes," and you're right, means "believes," but we also know that "beyond a reasonable doubt" is a certain type of belief. If you believe beyond a reasonable doubt, you know that —

Ms Baldwin: Beyond a reasonable doubt is a very strong sense of belief.

Mr Kormos: Exactly. Is this the balance of probabilities test?

Ms Baldwin: Sometimes one says "has reasonable grounds to believe" and sometimes one says "believes." They're all slightly different in terms of the strength of the belief and it seems to me the words are clear on their faith.

Mr Kormos: Let me put this to you: Is there a precedent that we can refer to in this regard? Does this help us in this regard? I'm assuming that this is a phrase that's lifted off the word processor —

Ms Baldwin: That's not a question I can answer for you on the spot, here in committee now.

Mr Kormos: My apologies. I wasn't trying to put you on the spot. I wonder, Chair, if perhaps the bureaucratic staff can tell us what the —

Interjection.

Mr Kormos: Yes, what the usage is and where we could find this in other contexts, because they chose to use "believes" as compared to "finds beyond a reasonable doubt," "finds on a balance of probability." I suppose my concern is that this, in my view, might be a very low standard, because "believes" is subjective. I believe in God, but don't ask me to prove it.

Ms Baldwin: I wouldn't be surprised if, given time, I'd find other provisions like this, but I cannot tell you right now, on the spot, where they are.

Mr Kormos: I understand that. Perhaps the policy people could.

The Acting Chair: Mr Kormos, I have no prerogative to limit the discussion, but I want to make sure that what we are seeking is to provide some possible clarification of intent once again, as suggested by Mr Klees on an earlier issue. But if we can't do that, I don't think it's appropriate for us to engage in a significant philosophical debate about the nature of "belief." If ministry staff have some response they would like to make about the intent of this clause, and if not, I think we should in this case move on, Mr Kormos.

Mr Kormos: What about the debate, though? The debate would be interesting.

The Acting Chair: The debate would be interesting but not appropriate at 11:30 in the evening.

Ms Bayham, is there any further comment in terms of clarification of intent that ministry staff can make around the definition of "belief" in this clause?

Ms Bayham: Am I looking at section —

The Acting Chair: You'll have to come to the microphone, please. I believe it's subsection 26(9).

Ms Bayham: The discipline committee would determine whether it found the member guilty or not. Presumably, if they found them not guilty, they would determine that the process was unwarranted.

Mr Kormos: I'm referring more to subsection 26(2), because that is the test for guilt: "believes."

Ms Bayham: I don't have the legal precedent.

The Acting Chair: There is no further intent to clarify either "beyond a reasonable doubt" or "beyond a shadow of doubt"; it was to stand as "believes"?

Ms Bayham: Yes.

Mr Klees: If I might add, Madam Chair, I would think that clearly this is after due process and after the committee has properly investigated the individual's conduct and arrives at its conclusion. I'd suggest we move on from there.

The Acting Chair: I would suggest as well.

Mr Kormos: I'm only going to raise an observation that "believes" has the possibility of being a very low standard because belief is a subjective thing. As I say, it doesn't say "a reasonable belief," it says "believes," and "believes" is totally subjective. That's why legislative counsels refer to contexts that say "reasonable belief that." That would imply that there has to be an adequate weighing of effect.

I find this a very scary proposition in this context and one that runs the risk of abuse where the college could turn an inquiry into something very much a real Star Chamber, witch hunt kind of thing if the standard is "believes." I believe in all sorts of things about which I have no proof, one of them being that Christmas is coming. Look at all the beliefs we attached to Christmas without any real proof.

2310

The Acting Chair: I think we know with some certainty that midnight is, and given the fact that midnight is coming, I would ask if there's any further discussion on section 26. If there's no further discussion, shall section 26 carry? Opposed? Section 26 will carry.

I'd ask the indulgence of the members of the committee. From section 27 to section 45 there are no amendments that have been tabled, but because we are in a process by which amendments can be placed on the table during the discussion, I'm not prepared to put all of the sections at once. However, it will be a lengthy process to put them individually. I'm going to suggest that we deal with them in groups of four, and I will go through that slowly enough that if people want to raise concerns —

Mr Kormos: Chair, I can indicate that I don't propose to move any amendments prior to section 46 and would be prepared to consider these en bloc.

Mrs Pupatello: I would as well.

The Acting Chair: Members of the government? OK.

In that case, is there any discussion on sections 27 to 45? Seeing none, shall sections 27 through 45 carry? Opposed? Sections 27 through 45 carry.

There is an amendment on section 46, an NDP motion.

Mr Kormos: I move that section 46 of the bill be struck out and the following substituted:

"Use of title, registered social worker

"46(1) No person except a registered social worker shall use the English title 'registered social worker' or the French title 'travailleur social inscrit' or an abbreviation of either of those titles to represent expressly or by implication that he or she is a registered social worker.

"Same

"(2) No person except a registered social worker shall represent or hold out expressly or by implication that he or she is a registered social worker."

It was interesting. It was one of the government members who prompted this amendment as a solution to the perceived problem, and I am grateful to the government member for having prompted it. The government member used the analogy of a registered nurse and suggested that we should be able to — and we should — rely upon the identification of a nurse as a registered

nurse, that we should be able to infer that there is some standard, some body, some regulatory body to which he or she belongs.

It's similar here. What you've got is that you run the risk of people who are, for instance, in jobs where the job title is "social worker," the job category, the job classification — at first glance, this doesn't appear to be mandatory legislation, because it clearly isn't. It doesn't say that anybody has to join the College of Social Workers and Social Service Workers. Nobody has to, nobody, even if one has all the social service diplomas or degrees in the world, from every university and college conceivable.

We know, because we saw that there are three people in the Toronto yellow pages identified as social workers, yet there is page upon page of people identified as counsellors, therapists, what have you. None of those people has to join anything or be subject to any regulatory body. I'm not disagreeing with the fact that the social work profession deserves standards and that the public deserves standards, but the real fear here should be the wackos out there doing therapy and counselling and identifying themselves as such. We've only got three people in all of Toronto who advertise themselves in the yellow pages as social workers.

This protects those people, like some of the people who made submissions today, whose job description is social worker, working in any number of contexts where, by inference, it might be argued that they have to then become members of the college, even though the statute is not mandatory, if they're going to call themselves social workers in the workplace context. Do you see what's happening?

I don't think the government would argue that this is mandatory. I think the government would suggest, "No, nobody is obliged to." But it could become an implicit condition of work. If my job description in the book of job descriptions is "social worker," ergo I'm a social worker and I'm referred to as that, then I'm forced to join the college. Even if my employer doesn't consider it mandatory that I join the college, the college can say that I can't pursue that job with that job definition.

This, I think, very nicely — quite frankly, it's more accurate, because it says "registered social worker." It's the parallel of a registered nurse. As I say, it was government members who brought up that analogy earlier today, and I agree with them entirely. I think they were dead on. "Registered" very much indicates that there is some status to it. I think this addresses the concerns while at the same time maintaining the integrity of the college as proposed by, among others, the Ontario Association of Social Workers.

Mrs Pupatello: I'd ask ministry staff to come forward so I could ask a question in regard to this specific section. Would it be Ms Baynham again?

If the act of the college only applies to those who are members of the college, then those who aren't members of the college but continue to call themselves social workers aren't subject to any kind of penalty because they're not

subject to the act because they're not a member of the college.

Ms Baynham: But it would be illegal for them to call themselves social workers. That's the whole point of the bill. We currently have a college where you get the title "registered social worker" certified.

Mrs Pupatello: They can't call themselves "registered social worker," but what was your intent when you included "social worker"?

Ms Baynham: Exactly that, that you could not misrepresent yourself in the community as a social worker; you could not use the title unless you are a member.

Mrs Pupatello: A member of the college?

Ms Baynham: Yes.

Mrs Pupatello: So if the children's aid society is hiring social worker positions, which is what they're called, does that obligate the children's aid society to only hire members of the college?

Ms Baynham: It obligates the individual to be a member should they choose to apply for that job.

Mrs Pupatello: Every other agency then that has the title "social worker" as a position or classification — essentially it's the bar, that you may as well not apply unless you're a member of the college.

Ms Baynham: Right.

Mrs Pupatello: I just love having you guys come up to talk to us.

Mr Kormos: It's specifically to that point that I note there are three people only in the Toronto Yellow Pages under "social workers." We don't know whether they would qualify as social workers under this bill or not. Fair enough. There are only three people, though, who represent themselves, who hold themselves forth as social workers. Yet when I turn to psychotherapists, I get column after column. As I indicated earlier, when I turn to counsellors of all types, I get column after column.

Ms Baynham: But in the future when you look at "social worker," you will know that they are qualified individuals.

Mr Kormos: Fair enough, unless they haven't been prosecuted yet. But if I assess the risk, isn't it pretty safe to assume that I'm at higher risk, just in terms of numbers, of being confronted by a bogus psychotherapist or counsellor than I am by a bogus social worker in view of the fact that there are only three individuals holding themselves out to be social workers while there are hundreds of people holding themselves out to be psychotherapists and/or counsellors and they're under no regulatory regime?

Ms Baynham: But you may see people beginning to call themselves "social worker" as the public becomes aware that that has a credential associated with it.

Mr Kormos: Fair enough. We've only had 3,000 people join the college of social workers and that lets them put 'CSW' after their name, but nobody knows what the heck that means either.

The Acting Chair: Is there further discussion on the NDP amendment on section 46? If there's no further discussion, I'll place the question.

Mr Kormos: A recorded vote, please.

Ayes

Kormos.

Nays

Carroll, Hudak, Klees, Pupatello, Ross, Wetlaufer.

The Acting Chair: The motion is defeated.

Is there any further discussion on section 46? If there's no further discussion on section 46, shall section 46 carry? Opposed? Section 46 will carry.

There is an amendment on section 47.

Mr Kormos: I move that section 47 of the bill be struck out and the following substituted:

"Use of title, registered social service worker

"47(1) No person except a registered social service worker shall use the English title 'registered social service worker' or the French title 'technicien en travail social inscrit' or an abbreviation of either of those titles to represent expressly or by implication that he or she is a registered social service worker.

"Same

"(2) No person except a registered social service worker shall represent or hold out expressly or by implication that he or she is a registered social service worker."

This is the same argument as with my previous motion, except that it applies to social service workers as compared to social workers.

The Acting Chair: Further discussion on the proposed amendment? If there's no further discussion, I'll place the question.

Mr Kormos: A recorded vote, please.

Ayes

Kormos.

Nays

Carroll, Hudak, Klees, Pupatello, Ross, Wetlaufer.

2320

The Acting Chair: I'll place consideration of section 47. Is there any further discussion on section 47? If there's no further discussion, shall section 47 carry? Opposed? Section 47 is carried.

There are no amendments before us on sections 48 to 58. I am simply going to read the numbers of the sections. If there is any discussion, please indicate that, and at the conclusion of reading those numbers I'll place all the questions simultaneously unless there has been some amendment placed.

Sections 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58. There being no discussion on sections 48 to 58, shall sections 48 to 58 carry? Opposed? Sections 48 to 58 carry.

There is a government motion on section 59.

Mr Kees: I move that clause 59(1)(b) of the bill be struck out and the following substituted:

“(b) the applicant has obtained a degree in social work from a social work program accredited by the Canadian Association of Schools of Social Work, a degree from a social work program or an equivalent program approved by a body prescribed by the regulations or a degree from a social work program or an equivalent program prescribed by the regulations.”

Chair, this amendment was necessary to be consistent with the previous government amendment under section 18.

The Acting Chair: Is there any discussion on the government amendment to section 59? If there's no further discussion, I'll place the question. All those in favour of the motion? Opposed? The motion is carried.

Is there any further discussion on section 59?

Mr Wildman: Just as a matter of interest, Chair, I would point out that it's certainly a good thing that the opposition asked for hearings on this matter so that the government could put its amendments.

The Acting Chair: Point noted, Mr Wildman.

Shall section 59, as amended, carry? Opposed? Section 59, as amended, carries.

Members of the committee should be aware that there are no further amendments tabled before the committee. I will again, with the committee's consent, read the numbers of each section so there's an opportunity to indicate an interest in discussing or proposing amendments to the following sections. At the conclusion of placing sections 60 to 65, I'll call for the question on those remaining sections of the bill.

Sections 60, 61, 62, 63, 64 — Mr Kormos.

Mr Kormos: I plan to address some comments to section 65.

The Acting Chair: I shall then perhaps place sections 60 to 64. There being no discussion, shall sections 60 to 64 carry? Opposed? Sections 60 to 64 carry.

The final section of the bill is section 65. Is there discussion on section 65?

Mr Kormos: This has been a very interesting exercise. The process of the Legislature has been tested sorely by this exercise. I don't think it's a good exercise.

At the end of the day, after the submissions we've heard over this brief period of time, we've heard some interesting and valuable input regarding the bill. We all knew — the word “polarization” has been used — that there was some polarization about the bill. We knew that, but the variety of presentations made in this brief period allowed for hearings showed that the disagreement about the bill carried with it a number of nuances and subtleties that the Ontario Association of Social Workers hadn't addressed, nor would they speak to them.

I find it very disappointing that the Ontario Association of Social Workers was so eager to have traditional legislative procedure overridden in its zeal to see this bill passed. I understand its zeal, because I've got a transcript of February 7, 1996, in which the president of the Ontario Association of Social Workers explains that he received

letters dated October 30, 1995, and January 22, 1996, from the Premier confirming that the Tory government would move forward to enact social work regulation. Here it is, December 1998, almost three years since the second letter from the Premier.

I understand government agenda and getting bills placed on an agenda, but here we are in what is probably the last week of legislative sittings for 1998. Whether the Legislature comes back for any meaningful period of time is still very much up in the air. The Premier will make that decision in due course. There's a whole lot of speculation that he may call the government back just for the purpose of a throne speech, a Treasurer's report and a finance bill as a prelude to an election.

This warranted more than a few hours of committee hearings, one way or the other. Quite frankly, the Ontario Association of Social Workers should understand that as well. They got their way, but they shouldn't be proud of the fact that they affected and infected democratic process in the course of getting their own way. You'll get your bill, no two ways about it, and you may well deserve the bill. You've worked hard for it in the face of some opposition which, I tell you, has some distinct legitimacy, which the association has refused to acknowledge. Once again, I don't think the association should be proud of the fact that it played silly buggar with democratic process and influenced that in the course of getting its legislation.

I'm not proud of what happened here today. I'm not proud at all. Once again, I support this bill, the basic prospect. I support it in principle, but I am not proud of having participated in a process that shut out huge numbers of people from making submissions to the bill and that precluded the government and its staff from any careful consideration of those submissions.

We know what takes place, that over the course of making submissions, government staff, the bureaucratic staff, are here weighing them, assessing them, preparing responses to them by way of amendments, so the government members — ultimately it's the government, because it's a political decision — can consider whether those amendments are going to be put forward to the committee and/or to anticipate opposition amendments.

2330

Were our amendments the best-drafted amendments? I tell you they weren't, because they were drafted in the course of literally a few minutes, which is a serious breach of the traditional time frame allowed. I won't apologize for our members. Legislative counsel and our research staff did their very best with the very limited period of time. I'm not going to make the same criticism of Ms Pupatello's amendments; she may see fit to do so herself, but she was under the same incredible time constraints.

I'm not pleased with having participated in this today. There was some urgency to get the bill passed or else it may have died and not become law. The social worker association of Ontario would have had to lobby yet another government and have people stick-handle this bill through cabinet and P and P and so on and so forth all over again.

To have this bill presented at the last minute and then for the government to somehow imply that if it didn't make it today by midnight, they were going to lay the blame at the feet of one of the two opposition parties, maybe both — they were going to say, "Oh, the opposition parties killed the social workers' bill."

Mrs Pupatello: No, probably just yours.

Mr Kormos: That'd be fine because, you know what, Chair? If push comes to shove, I will live and would have lived with whatever cheap shots might have been taken about blocking the bill because I would have been satisfied with the fact that I did my job here in this committee.

I was horribly disappointed when, in response to a speech that my colleague Blain Morin made in the House on this bill — I suppose for a variety of reasons; one, it was his first lengthy speech in the House other than question period and perhaps questions and comments in between addresses, as I recall it; it was more than a mere two minutes. I read the speech and I think he did a laudable job for what we call one's "maiden" speech. He was on his feet for an hour. He did a laudable job. He represented, among other things, the views of CUPE that had been clearly set out.

That speech attracted a letter from the Ontario Association of Social Workers that I referred to earlier as being on the verge of hysterical, that was really petty. It displayed an ignorance of what happens in Parliament. It was heavy-fisted. It had highlighted sections. It made reference to the bill as being widely and strongly supported by the profession for the past 15 years, but now it's 30 years or 32 years. It could be 124 years. Who knows? Who cares? The fact is, those numbers get tossed around. It then goes on to threaten the New Democratic Party by saying that if Bill 76 continues to be blocked by the NDP, the NDP will go into an election being widely viewed as anti-public protection, anti-children and anti-social work/social services. It goes further and says that the Ontario Association of Social Workers will — hold on.

The Acting Chair: Mr Kormos, I believe we're dealing with section 65 of the bill. While I don't want to curtail your freedom of speech in the last minutes of the committee, you would have an opportunity I assume to make whatever further comments you want before the bill is ordered back to the House for third reading.

Mr Kormos: It'll either be on section 65 or it'll be at the point at which it's referred to the House.

The Acting Chair: We can place section 65 first. I think it is within the prerogative of the Chair to ask that you speak to the particular section that's here.

Mr Kormos: You want me to speak the social work and social services worker bill?

The Acting Chair: To the title.

Mr Kormos: Quite right. The title embodies the bill, doesn't it?

The Acting Chair: Yes, it does. I'm not suggesting, Mr Kormos, that you won't have further opportunity, as I understand that there's still some 25 minutes left for the committee to sit.

Mr Kormos: There's all night.

The Acting Chair: I would suggest that we place section 65. Then, as we order the bill for third reading, you will have an opportunity to further your comments.

Mr Kormos: Feel free.

The Acting Chair: My interruption also allows me to remind members of the committee that we do have some further business before the committee in terms of whether this committee is prepared to sit during the recess to consider some further measures. I hope that there will be sufficient time to at least do that bit of business before midnight.

Mr Kormos: Thank you kindly. You give me a nod when it comes time to do that little business, administrative stuff.

The Acting Chair: If you'll accept my interruption, I shall just ask if there is other discussion specifically on the title of the bill, section 65. If there's no further discussion on section 65, shall section 65 carry? Opposed? The section is carried.

The next order of business for the committee is to place the question of whether this bill shall be referred to the House for third reading. I have Mr Kormos, in fairness, to complete. I hope that you will allow Mrs Pupatello some opportunity to make some concluding remarks as well.

Oh, I'm sorry, I missed one part. Shall the long title carry before we refer it back to the House? The long title shall carry.

Shall the bill, as amended, carry? This is perhaps Mr Kormos's opportunity.

Mr Kormos: The letter — and this is the bold print — goes on to say that if the NDP does not get resolved in a positive way at the House leaders' meeting the progress of the bill, then the profession will feel compelled to hold a press conference to denounce the NDP for their blocking of the bill — to denounce them.

I remember the 1960s and all that — what is that stuff in China when people were being denounced left and right?

Mrs Pupatello: Tiananmen Square?

Mr Kormos: No, long before Tiananmen Square, but when people were big into denouncing people in China.

Mrs Pupatello: Think of your own then.

Mr Kormos: The language is really dumb and, quite frankly, unprofessional. It's stupid when it's written, as it purports to be, on behalf of a profession that I have some regard for because I see them out there on a daily basis and worked with them for a good number of years when I practised criminal law in the city of Welland.

I'm going to tell you that being denounced by the Ontario Association of Social Workers would probably do for me what the Tory ads have been doing for Dalton McGuinty in that you'll probably generate some significant public pleasure at the fact of being denounced by the Ontario Association of Social Workers.

I was troubled during the course of this evening, when we finally got to hear some contrary views, to hear the viewpoint that by some the association of social workers is seen as the establishment group, is seen as the conserva-

tive element in the profession, in contrast to some very bright young people here, all of them social workers with some impressive academic credentials who suggested that, among other things, like the old saying — which Marx was it? I guess it was Groucho rather than the other who talked about never wanting to belong to a party that would have him as a member. These were people who said no, they didn't want to join this club once the bill is passed, they weren't interested.

I don't think things are all that well out there. I say this as an observation based on my brief exposure to what I've witnessed during the course of the progress of this bill. I think there are some serious problems, from my modest perspective, in the social work profession. You heard me encourage some of these young people to join the Ontario Association of Social Workers, take it over, toss the people out of office and turn it into something that's relevant. That's not my language; that's the language of one of the submitters today. This has been a valuable experience for me. Even now, after 10 years here, one never stops learning.

I urge other members to never, ever let this happen again. I don't care whether they're members who happen to be in government, happen to be in opposition — or in government now, in opposition later, vice-versa — it's irrelevant. This wasn't a healthy exercise today. At the end of the day Bud Wildman put it so succinctly. If the opposition hadn't called for even one day of committee hearings, the government amendments that were made — and I accept, as they were explained, that they were meant to improve the bill — wouldn't have become part of the bill. We almost risked losing that opportunity.

This isn't the way Parliament works. Members of the Legislature can't be bullied into taking positions. I suppose all sorts of groups do it, but I was quite frankly surprised and shocked at the Ontario Association of Social Workers. I really didn't think that's what they were about. Obviously, you're going to move the bill going to — Mrs Pupatello's going to address it.

2340

The Acting Chair: I believe Mrs Pupatello wishes to speak.

Mrs Pupatello: I need 30 minutes.

Mr Kormos: You take 30 minutes, Mrs Pupatello.

You've heard my expression of dismay. Also, I suppose, the dismissal of the CUPE submission: I appreciate the government may not like where they're coming from, the messenger, and I have no quarrel with that. If I were the government, I wouldn't like Sid Ryan either. As it is, I'm not the government —

Mr Wetlaufer: And you still don't like him.

Mr Kormos: — and I do like Sid. But it's much easier for me to like Sid than it is for the government. I understand that. It was a little disappointing. The CUPE remarks had some stuff there that was worthy of consideration, that could have been addressed without scuttling the bill. I really believe that. They could have been addressed without scuttling the bill. The government clearly didn't have time to even reflect on them. Although they

might have anticipated some of the arguments, there wasn't any real time to reflect on them, there wasn't any real time for policy people to say, "Maybe we can massage it a little bit this way or that way."

I found their submission impressive. I found impressive the submissions of some of these independent social workers who were here, the ones who didn't align themselves with any of the establishment groups but who came here, some of them, I'll tell you, with great courage, because they were critical of government notwithstanding that they were employed by government. I hope that holds them in good stead with the government because they would be the sort of people you would want working for you, people who wouldn't be afraid to speak up and speak out and conduct themselves in an appropriate way in a forum like this. Thank you kindly.

The Acting Chair: Thank you, Mr Kormos. I will call on Mrs Pupatello, but before I do that I just want to make it absolutely clear from a procedural perspective that I have agreed with your comments about this not being due process and being unprecedented in terms of any legislative procedure that we have seen. It was only because of a commitment of all three parties to see that this bill did not go into limbo again. As you quite accurately put it, nobody knows what's going to happen after Thursday night at midnight, before the House resumes in some form again. Having said that, and agreeing with you that this is not the kind of a process that any of us who believe that making good legislation actually requires due process feels good about, I think it's important to recognize procedurally, Mr Kormos, that no third party has any control over the way in which legislation moves through this House or through the committee. It was entirely within the government's ability to determine when this bill would be placed, when the bill would be called for second reading, how it would be moved to committee and what kind of time frame the committee hearings would have.

It was possible, even within the restricted time left to us as a committee, to have had somewhat more extended hearings and at the very least a greater time to consider amendments. I don't think it is fair or procedurally correct to place the blame for what we have faced today on any third party. I think it clearly has to be placed on the body that has total ability to decide when and how legislation will be moved through.

With that, I'll ask Mrs Pupatello, and trust that we will still have some five minutes at the end of this session to finish the business of the committee.

Mrs Pupatello: Thank you. Just because of everything you've said, that this in fact may be the last committee meeting we have, we have another huge bill that deserves attention, that being the Child and Family Services Act, which is unprecedented in terms of change, which on the whole all parties support, just like this social work and social service work bill. What is astounding to me is that, as we've heard repeatedly, after all of this time that everyone actually agreed in principle with it, the government would choose to use this as some kind of a pitching block at the 11th hour of this session, Chair. It is absolutely

appalling to me as a new member of the House. To have watched the antics, mostly of government members, to somehow — I guess I have to use “power-trip” as the best example — that government members sat in a position as parliamentary assistants and would deny committee members the access to ministry staff that work for me and work for every single citizen of Windsor-Sandwich.

I am owed information by that ministry staff. I insist on it. Even if I knew the answer already, the principle is that those people work for every single person I represent in my home town. There isn't a parliamentary assistant here who is going to sit there with that smug look and tell me that you get to power-trip because you're the PA for this ministry.

It's completely lost on these government members that when you won the last election, you lost power. You, as a representative of the people where you come from, have less power today as a government member than you've ever had in your entire lifetime. If you think you're going to move up the hierarchy within your party and within your government — the higher you go, the less power you have. Until you understand that fact, my sincere hope is that you don't move anywhere except down.

I am telling you that I have never seen the likes of this. You cannot go outside and tell me that you should be able to deny me the right to ministry staff. I can understand if you don't want me speaking to your political staff who work for your party, who in essence have to give you the partisan answer for everything and all of those people you can well keep from speaking with me. That is very different from ministry staff. If and when you lose the next election, that ministry staff will still be there and will still be obliged to deal with this committee. Whether I'm on the government side or not, that ministry staff will deal with whoever is in government, will have to deal with this committee and with every single party here. We are owed that information and you can't take that away from me.

As few Conservatives as there are where I come from, that ministry staff gets to work for the Conservatives of Windsor-Sandwich too, not just the few NDPers or the few Liberals. They get to work for everybody. The very idea that you would choose to deny me the right to access them is abominable. I have never seen the likes of it.

It should be telling as your mark as a PA that you need to bring your brass of your party in here because you can't carry a bill that has all three parties supporting it back into the House to pass before the session is over. That I suggest is unprecedented as a PA for a minister. I don't think your behaviour with this bill has been anything that you should be proud of. In the end, even if we agreed with the bill, you had to sit there in your smugness and try to power-trip over the two of us who are left sitting in opposition when we agree with the bill. I've never seen anything so petty in all of the petty behaviour I have seen at committee in three and a half years.

The fact of the matter is that every time we have tried every legislative tool imaginable to slow down the agenda of the government, you, not that long ago, supported

changing all the rules of the House to take every tool away from us to try to slow you down.

All I can say is that for the government members of this House who figure that they're so self-righteous that they can control everything —

Interjection.

Mrs Pupatello: The point is that you've never been in opposition. You've never sat on our side of the House to understand what it feels like to feel as though you have absolutely no rights. You simply do not understand the concept of her loyal opposition and that is something that came to us from the British system of government, that her loyal opposition has a due role to play in government here. If it were left to you with no opposition, you would have completely run roughshod over us and over every piece of legislation going.

The truth of the matter is that members who have been here for a long time —

Interjections.

The Acting Chair: Mrs Pupatello has the floor.

Mrs Pupatello: Thank you, Chair. For the longest time those members who have been here have said, even some who are members of the governing party, they have never seen the likes of this behaviour in this House ever, not in the history of Ontario. My only wish is that you, if you're successful in the next election, I wish on you opposition and I wish opposition on you when my party is in the government.

Mr Carroll: Was that a curse?

The Acting Chair: If there are further members who wish to speak, I will certainly entertain their request to speak. I remind the committee that there are some 10 minutes left, there are two motions to place or this committee ceases to meet and this bill is not ordered to the House.

Is there any further discussion on the motion?

Mr Klees: I want to say that contrary to the members opposite I am indeed proud to have been part of this process. I want to, contrary to the member opposite, not scold the profession but to honour them for the work that they've done against opposition and quite frankly in the face of a great deal of inertia on this important issue. They did passionately what they believe in. They are to be commended for that. To the member opposite from Windsor —

The Acting Chair: I want to remind all members of the committee that there is no time allocation here and that if any member of this committee is sufficiently provoked as to want to get on the discussion floor before I have placed the last two questions, the committee will cease to meet at midnight and the bill will not be carried forward to the House.

2350

Mr Klees: I'm going to wrap up by saying that I really do feel —

Mrs Pupatello: Chair, you have my name.

The Acting Chair: I have Mrs Pupatello on the list.

Mr Klees: As a member of this committee, I would appeal to you, as Chair, to assume your independent role.

The Acting Chair: Mr Klees, I have no alternative but to allow the speaking list to continue —

Mr Klees: Then please do so.

The Acting Chair: — and to cut the committee off at midnight. I have two motions left to place, and without those motions being passed by midnight, this bill will go into limbo.

Mr Klees: I want to just conclude, as I was saying earlier, by saying that we are proud to have been part of this process and to support this bill.

The Acting Chair: Mrs Pupatello.

Mrs Pupatello: Pass.

The Acting Chair: If there is no further discussion, I believe that the motion before us is: Shall the bill, as amended, carry? Opposed? The motion carries.

Shall I report the bill, as amended, to the House? It has been ordered by the committee that the Chair report Bill 76, as amended, to the House.

COMMITTEE BUSINESS

The Acting Chair: Thank you very much, ladies and gentlemen. You have left five minutes for the committee to consider the further business before the committee, which, as we indicated earlier, would have normally gone to the subcommittee to make a specific recommendation back to this committee, but there's not time for a subcommittee to convene and there is some outstanding business for the committee.

It would be necessary for the committee to request of the House leaders time during the winter recess to deal with any of the other issues on its agenda. We would need a motion passed requesting that the House leaders provide time for the committee to meet. Obviously it would be within the total control of the House leaders to determine whether those meetings should take place and what items of business would be dealt with, but I remind the committee that there was an agreement of the subcommittee on October 27 to request four days of meeting time during the winter recess to consider the red light camera issue. It may be determined by the House leaders, depending on what happens in the next two days, that time for the red light camera issue is no longer needed, but that would be a decision of the House leaders.

I ask whether or not there would be a motion from the committee to request of the House leaders time to sit during the winter recess, if needed, to deal with any of the issues currently on the agenda of this committee.

Mrs Pupatello: I request that the committee — would it be the subcommittee or the committee of the whole? — put forward to the House leaders a request to sit during the winter session.

The Acting Chair: It's the committee that would have to ask the House leaders for permission for time to sit. There is a motion.

Mrs Pupatello: Just for clarification, did you say that bill specifically doesn't need four days?

The Acting Chair: No. All we have is an agreement of the subcommittee on October 27 to request four days of

meeting time. There has been some discussion at the subcommittee that if the government bill on this same issue passes in the next two days and receives third reading, the House leaders may feel that hearings are not required at all.

There is obviously other business before this committee which could be considered by the House leaders if this motion to request some time were to pass. There's no obligation on the part of the House leaders, as I understand it, to act on the request of the committee. It is not possible for the House leaders to have any hearings of this committee on any of these issues during the recess unless the committee makes a formal request before midnight.

Mr Kormos: As I understand it, the only motion now is dealing with the first item on that report, which is the agreement that has already been reached by the subcommittee, and that's with respect to the Colle bill?

The Acting Chair: Yes. Did you want to move only that, that the House leaders can deal only with that particular item of business?

Mrs Pupatello: No, the general request for meeting in the winter session. I thought that was what was required in the motion. Do I have to ask for all four?

Interjection.

The Acting Chair: No. She doesn't want to specify all four, she just wants to specify that the House leaders could make decisions about what comes to the committee.

Mrs Pupatello: I can be specific. I didn't want to put number of days per bill, but I guess that depends on if the motion is going to pass and we need to specify. That's fine. Let's say similarly, and then what the House leaders can determine is that they would get fewer than those number of days potentially, so that there would be four days per bill. I'm assuming the House leaders have the prerogative to choose that a bill, for example, would only have two days and that they wouldn't travel, that they'd only be in Toronto, that those are details they decide.

The Acting Chair: Mrs Pupatello, I think the committee can decide all of the logistics.

Interjection.

The Acting Chair: If you would, please.

Clerk of the Committee: For the House leaders to consider whether the committee should meet, committees normally pass motions to request the House leaders to consider that the committee would like to meet during the recess on a certain issue for a certain amount of time. If you don't request anything from the House leaders, they don't know what the committee wants to work on.

Mrs Pupatello: So do you need the request per bill?

Clerk of the Committee: It's completely up to you. In your motion, you need to specify how much time you would like the committee to meet and on what issues. I think that would help the House leaders in making decisions as to what they would put in a motion to allow the committee to meet.

Mrs Pupatello: OK. Then I guess if I were to revise the motion, it would read that we would request of the House leaders four days of meeting time during the winter

recess for the following private members' bills, four days per bill: Bills 20, 23, 78 and 88.

Clerk of the Committee: You might want to reconsider private member's Bill 23 in light of the government's Bill 72.

Mrs Pupatello: Oh, that's off the list. Is that what you're saying? Bills 20, 78 and 88?

The Acting Chair: Bill 72 has passed the House now, I believe. It had not passed the House when this was postponed by the subcommittee, but I think it has now passed the House, the alternative bill. The intercountry adoption bill I think has passed the House, has it not?

Mr Carroll: Yes, it has.

Clerk of the Committee: So just 20, 78 and 88.

The Acting Chair: Discussion?

Mr Klees: How come you didn't know that? You didn't know that a major piece of legislation was passed.

The Acting Chair: Mr Klees, it was further discussion on the motion that's before us.

Mrs Pupatello: I don't know. I don't get to ask the minister's staff.

Mr Carroll: One comment that I certainly would make is that you made the comment, Madam Chair, that this is a decision for the House leaders. They are meeting tomorrow. They will decide what, if anything, this committee does over the summer. When we met before, the subcommittee meeting in October —

The Acting Chair: I know the weather is awfully nice, but —

Mr Carroll: Time goes by quickly. When we did meet on October 27, the subcommittee talked specifically about the red light camera issue of Mr Colle, and that's the only issue that I am in a position to support a request for.

Mrs Pupatello: My understanding is that the Minister of Health has dealt with Richard Patten specifically about that bill and is supportive of that bill moving forward.

The Acting Chair: To expedite this, with the consent of the mover, Mr Carroll, the government members then would be prepared to request the House leaders to consider giving time for specifically Bill 20 in accord with the previous agreement of the subcommittee, but not the balance of the business that was before the House?

Mr Carroll: The only thing I said was that I was part of the subcommittee that agreed to that particular thing. That subcommittee report has to be adopted by this total committee. I don't have any say as to what my colleagues will say, but that's the only part that I'm prepared to support.

The Acting Chair: Mrs Pupatello, in light of that statement, would you wish to change the motion so that it deals specifically with Bill 20?

Mrs Pupatello: We can separate into specific motions: the same motion for Bill 20; same motion for 78; same motion for 88.

The Acting Chair: Recognizing the time, can I place a motion, then, that this committee would request time during the winter recess to deal with Bill 20 in accordance with the earlier request of the subcommittee? Understood?

All those in favour? Opposed? This is on Bill 20, a request of the House leaders to consider time to sit exclusively on Bill 20.

Mr Carroll: I'm in favour of Bill 20.

The Acting Chair: The red light camera. This is exclusively on Bill 20. Mrs Pupatello has split the motion. I'll place the second motion after placing this one, which is dealing only with Bill 20, the red light cameras.

All those in favour of the motion? Those opposed? The motion is carried.

The second motion, then, is to request time to sit during the winter recess to deal with the balance of the matters that had been referred to this committee, Bill 78 and Bill 88.

Mrs Pupatello: Separate 78 and a third motion for 88.

The Acting Chair: First motion, then, on Bill 78, requesting time to sit on Bill 78.

Mrs Pupatello: Tim, do you know the details of that bill?

The Acting Chair: Are you with me still?

Interjection.

Mr Tim Hudak (Niagara South): Mr Newman's mental health act.

The Acting Chair: I'm going to have to place the question. All those in favour of the motion? Those opposed? The motion is lost.

The third motion was that the committee requests time to sit during the winter recess to deal with Bill 88, which is Ms Churley's An Act to amend the Vital Statistics Act and the Child and Family Services Act in respect of Adoption Disclosure.

All those in favour of the motion?

Mr Kormos: One moment, please, Chair.

The Acting Chair: It will have to be a very brief moment, Mr Kormos. Even my clock says it's midnight.

Mr Kormos: That's right. But this, as you know, received overwhelming support in the Legislature from all three parties.

Mrs Pupatello: As did the mental health act.

Mr Kormos: I can only speak to this one at the moment. It's an issue that the public very much wants to address one way or the other.

The Acting Chair: All those in favour of the motion? Opposed? The motion is lost on a tie vote, I believe.

Mrs Pupatello: Does the Chair have to vote on a tie?

Mr Kormos: On a motion, the Chair votes with the mover.

The Acting Chair: I'm sorry; I saw two hands. Were there three hands?

Mrs Pupatello: Chair, you've already passed the motion.

The Acting Chair: No, actually I called it defeated on a tie vote and —

Mrs Pupatello: But you can't do that.

Interjection.

The Acting Chair: I called two votes; I saw two hands. It's too late to call for a recorded vote. The House leaders will deal with the issue of Bill 88. Thank you.

The committee adjourned at 0002.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chair / Présidente

Ms Annamarie Castrilli (Downsview L)

Vice-Chair / Vice-Président

Mr Dwight Duncan (Windsor-Walkerville L)

Mrs Marion Boyd (London Centre / -Centre ND)

Mr Jack Carroll (Chatham-Kent PC)

Ms Annamarie Castrilli (Downsview L)

Mr Dwight Duncan (Windsor-Walkerville L)

Mr Tim Hudak (Niagara South / -Sud PC)

Mr Frank Klees (York-Mackenzie PC)

Mrs Lyn McLeod (Fort William L)

Mrs Lillian Ross (Hamilton West / -Ouest PC)

Mr Bruce Smith (Middlesex PC)

Substitutions / Membres remplaçants

Mr Bruce Crozier (Essex South / -Sud L)

Mr Peter Kormos (Welland-Thorold ND)

Mrs Sandra Pupatello (Windsor-Sandwich L)

Mr Wayne Wetlaufer (Kitchener PC)

Also taking part / Autres participants et participantes

Mr Bud Wildman (Algoma ND)

Ms Trish Baynham, child care branch, Ministry of Community and Social Services

Clerk / Greffière

Ms Donna Bryce

Staff / Personnel

Ms Elaine Campbell, research officer, Legislative Research Service

Ms Elizabeth Baldwin, legislative counsel

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